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THE WHOLE
PROCEEDINGS
ON THE
TRIALS
OF
TWO INFORMATIONS
Exhibited *ex Officio* by the KING'S ATTORNEY-GENERAL
AGAINST
GEORGE GORDON, Esq.
COMMONLY CALLED
Lord GEORGE GORDON:
One for a LIBEL on the QUEEN of FRANCE and the
FRENCH AMBASSADOR; the Other for a LIBEL on
the JUDGES, and the ADMINISTRATION of the LAWS
in ENGLAND.

ALSO OF
THOMAS WILKINS,
FOR,
PRINTING THE LAST-MENTIONED LIBEL.
Tried in the Court of King's Bench, GUILDHALL, on *Wednesday*
the 6th of June, 1787;

BEFORE THE
Hon. FRANCIS BULLER, Esq.
One of the Justices of his Majesty's Court of King's Bench.

Taken in Short-Hand
By JOSEPH GURNEY.

L O N D O N:
Sold by M. GURNEY, No. 128, Holborn-Hill,
M,DCC,LXXXVII.
(Price Two Shillings.)

[Entered at Stationers Hall.]

THE WHOLE
P R O C E E D I N G S
ON THE

T R I A L S
OF

T W O I N F O R M A T I O N S

Exhibited by the King's Attorney-General

against

G E O R G E G O R D O N, ETC.

COMMONS CALLED

L O R D G E O R G E G O R D O N

One of the Lords of the Queen of France and the
T R E A S U R E R G E N E R A L ; the King's Attorney-General
the Lord of the Admiralty and the Lord
in England.

Also of

T H O M A S W I L K I N S

for

P R I N T I N G W I T H A S S E N S E D L I C E N S E

Printed by T. W. Johnson, at the Press of the
the City of London, 1840.

Printed by

L O R D T H O M A S W I L K I N S
One of the Lords of the Queen of France and the

I N J O H N P H O N G A N D Y

L O R D G E O R G E G O R D O N

L O R D T H O M A S W I L K I N S

Printed by

the City of London, 1840.

Printed by T. W. Johnson, at the Press of the

THE
T R I A L

GEORGE GORDON, Esquire,

COMMONLY CALLED

Lord GEORGE GORDON.

THE INFORMATION.

Of HILARY TERM, in the Twenty-seventh Year of
King GEORGE the Third.

London, } **B**E it remembered, That Richard
to wit. } Pepper Arden, Esquire, Attorney
General of our present Sovereign Lord the King,
who for our said present Sovereign Lord the King
prosecutes in this behalf, in his proper person
comes into the Court of our said present Sovereign
Lord the King, before the King himself, at West-
minster, on Tuesday next after the octave of St.
Hilary in this same term, and for our said Lord

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the

the King giveth the Court here to understand and be informed, that before and at the time of the writing, printing, and publishing of the false, wicked, malicious, scandalous, and seditious libel herein-after next mentioned, it was believed and understood by and amongst his said Majesty's subjects, that his said Majesty was then shortly about to cause to be transported divers felons and other offenders, liable to be transported by the laws of this realm, to a certain place in parts beyond the seas, called Botany-Bay, to wit, at London aforesaid, in the parish of St. Mary le Bow, in the ward of Cheap: And the said Attorney General of our said Lord the King, for our said Lord the King, further gives the Court here to understand and be informed, that before and at the time of the writing, printing, and publishing of the false, wicked, malicious, scandalous, and seditious libel herein-after next mentioned, divers persons had been and were confined in divers of his said Majesty's gaols within this kingdom, under sentence of death or transportation, for divers crimes by the laws and statutes of this realm punishable with death or transportation; and that George Gordon, late of London aforesaid, Esquire, (commonly called Lord George Gordon,) well knowing the several premises aforesaid, but being a wicked, malicious, seditious, and ill-disposed person, and being greatly disaffected to our said present Sovereign Lord the King, and to the laws and constitution of this realm, and wickedly, maliciously, and seditiously intending, devising, and contriving to stir up and excite tumults, discontents, insurrections, and seditions, as well in divers of his said Majesty's gaols in this kingdom amongst the prisoners confined therein, and then under sentence of death or transportation for divers crimes by the laws and statutes
of

of this realm punishable with death or transportation, as amongst divers others of his said Majesty's subjects, and also to insinuate, and cause it to be believed, that divers laws of this realm, whereby fundry crimes are punishable with death, were made contrary to the law of God and the rightful power of the King and Parliament of this realm to make such laws, and also unlawfully, wickedly, and maliciously intending, designing, and contriving to excite a general disaffection amongst his said Majesty's subjects towards the administration of justice within his said Majesty's realm, and to render his said Majesty's Judges authorized to administer the same suspected of an undue administration thereof, and by means thereof to draw upon his said Majesty's Judges the general ill-will, contempt, and hatred of his said Majesty's subjects, on the twenty-second day of January, in the twenty-seventh year of the reign of our said present Sovereign Lord the King, with force and arms, at London aforesaid, in the parish of St. Mary le Bow aforesaid, in the ward of Cheap aforesaid, wickedly, maliciously, and seditiously did write, compose, print, and publish, and cause and procure to be written, composed, printed, and published, a certain false, wicked, malicious, scandalous, and seditious libel, intituled, " The Prisoners Petition " to the Right Honorable Lord George Gordon," and which said libel is also further intituled, " The " Prisoners Petition to the Right Honorable Lord " George Gordon, to preserve their Lives and " Liberties, and prevent their Banishment to Botany-Bay;" in which said libel is contained according to the tenor and effect following: But we (meaning the supposed prisoners in whose names the said supposed petition purported to have been written) have reason to cry aloud from our dun-

geons and prison-ships in defence of our lives and liberties in this advanced period of the world (when many kingdoms and commonwealths affect holiness unto the Lord, and profess to take hold out of all languages of the nations, even to take hold of the skirt of him that is a Jew, saying, we will go with you, for we have heard that God is with you;) that the just punishment ordained by God for our trespasses of thievery is profanely altered by men like ourselves; that his adequate judgment of our offences, mingled with mercy, is not executed upon us in righteousness; that the everlasting law of his statutes is changed and perverted to our destruction, and the true record of the Almighty is falsified and erased by the Lawyers and Judges (who sit with their backs to the words of the living God, and the fear of man before their faces) till the streets of our city have run down with a stream of blood instead of righteousness, as it is at this day; just as if the kingdoms and commonwealths at this advanced æra were still aliens from the commonwealth of Israel, and strangers from the covenants of promise, having no hope, and without God in the world. How long, O Lord! shall these Whited Walls of Council, who sit to judge the people after the law (meaning his said Majesty's Judges,) command us to be hanged contrary to the law? They (meaning his said Majesty's Judges) tithe mint and rue, and all manner of herbs, by making long charges to the Juries with a shew of justice and religion, and afterwards pass over judgment and the love of God by pronouncing the sentence of death upon us (meaning upon such of the said prisoners as had been sentenced to death as aforesaid,) and shedding our innocent blood (meaning the blood of such prisoners as last aforesaid) for expiable trespasses, which

which do not require our cutting off from the people (meaning the capital punishment of such prisoners as last aforesaid.) Surely then shall the blood of our lives (meaning the lives of such prisoners as last aforesaid) be required at their hands (meaning the hands of his said Majesty's Judges,) life for life, banishment for banishment: Whoso sheddeth man's blood by man shall his blood be shed; for in the image of God made he man. There is now but a step between us and eternity; it behoves therefore to be instant in speaking the truth, and to demand speedy justice: The hangman and the scaffolding of the new drop is already prepared for our executions on one hand, and Governor Phillip and military tyranny at Botany-Bay (meaning the said place in parts beyond the seas, called Botany-Bay) awaits us on the other; and in which said libel is also contained according to the tenor and effect following: We look with concern and abhorrence on the bloody hue of the felony laws, and the frequent executions in England in this reign, under a nominal administration of justice (meaning that justice had not been truly administered in England during his said Majesty's reign) since the time our eyes have been open to the expectation of salvation, pardon, expiation, and deliverance in this world, through the divine providence, justice, and mercy of God's holy law in favour of our cases, annulling the rigour of our sentences, and in arrest of the perverted judgments pronounced upon us;—in contempt of our said Lord the King, in open violation of the laws of this kingdom, to the evil example of all others in the like case offending, and against the peace of our said Lord the King, his crown and dignity. And the said Attorney General of our said Lord the King further gives the Court here to

understand and be informed, that before and at the time of the printing and publishing of a certain other false, wicked, malicious, scandalous, and seditious libel herein-after next mentioned, it was believed and understood by and amongst his said Majesty's subjects, that his said Majesty was then shortly about to cause to be transported divers felons and other offenders, liable to be transported by the laws of this realm to a certain place in parts beyond the seas, called Botany-Bay, to wit, at London aforesaid, in the parish and ward aforesaid: And the said Attorney General of our said Lord the King, for our said Lord the King, further gives the Court here to understand and be informed, that before and at the time of the printing and publishing of a certain other false, wicked, malicious, scandalous, and seditious libel herein-after next mentioned, divers persons had been and were confined in divers of his Majesty's gaols within this kingdom, under sentence of death or transportation, for divers crimes by the laws and statutes of this realm punishable with death or transportation; and that the said George Gordon, late of London aforesaid, Esquire, (commonly called Lord George Gordon,) well knowing the several premises aforesaid, but being a wicked, malicious, seditious, and ill-disposed person, and being greatly disaffected to our said present Sovereign Lord the King, and to the laws and constitution of this realm, and unlawfully, wickedly, maliciously, and seditiously intending, devising, and contriving to stir up and excite tumults, discontents, insurrections, and seditions, as well in divers of his said Majesty's gaols in this kingdom amongst the prisoners confined therein, and then under sentence of death or transportation for divers crimes by the laws and statutes of this realm punishable with death

death or transportation, as amongst divers others of his said Majesty's subjects, and also to insinuate, and cause it to be believed, that divers laws of this realm, whereby sundry crimes are punishable with death, were made contrary to the law of God and the rightful power of the King and Parliament of this realm to make such laws, and also unlawfully, wickedly, and maliciously intending, designing, and contriving to excite a general disaffection amongst his said Majesty's subjects towards the administration of justice within his said Majesty's realm, and to render his said Majesty's Judges authorized to administer the same suspected of an undue administration thereof, and by means thereof to draw upon his said Majesty's Judges the general ill-will, contempt, and hatred of his said Majesty's subjects, on the said twenty-second day of January, in the said twenty-seventh year of the reign of our said present Sovereign Lord the King, with force and arms, at London aforesaid, in the parish and ward aforesaid, wickedly, maliciously, and seditiously did print and publish, and cause and procure to be printed and published, a certain other false, wicked, malicious, scandalous, and seditious libel, intituled, " The Prisoners Petition to the Right " Honorable Lord George Gordon," and which said libel is also further intituled, " The Prisoners " Petition to the Right Honorable Lord George " Gordon, to preserve their Lives and Liberties, " and prevent their Banishment to Botany-Bay;" and in which said last-mentioned libel is contained according to the tenor and effect following: But we (meaning the said supposed prisoners in whose names the said supposed petition purported to have been written) have reason to cry aloud from our dungeons and prison-ships in defence of our lives and liberties in this advanced period of

the world, (when many kingdoms and commonwealths affect holiness unto the Lord, and profess to take hold out of all languages of the nations, even to take hold of the skirt of him that is a Jew, saying, we will go with you, for we have heard that God is with you;) that the just punishment ordained by God for our trespasses of thievery is profanely altered by men like ourselves; that his adequate judgment of our offences, mingled with mercy, is not executed upon us in righteousness; that the everlasting law of his statutes is changed and perverted to our destruction; and the true record of the Almighty is falsified by the Lawyers and Judges (who sit with their backs to the words of the living God, and the fear of man before their faces) till the streets of our city have run down with a stream of blood instead of righteousness, as it is at this day; just as if the kingdoms and commonwealths at this advanced æra were still aliens from the commonwealth of Israel, and strangers from the covenants of promise, having no hope, and without God in the world. How long, O Lord! shall these Whited Walls of Council, who sit to judge the people after the law (meaning his said Majesty's Judges,) command us to be hanged contrary to the law? They (meaning his said Majesty's Judges) tithe mint and rue, and all manner of herbs, by making long charges to the juries with a shew of justice and religion, and afterwards pass over judgment and the love of God by pronouncing the sentence of death upon us (meaning upon such of the said last-mentioned prisoners as had been sentenced to death as last aforesaid), and shedding our innocent blood (meaning the blood of such prisoners as last aforesaid) for expiable trespasses, which do not require our cutting off from the people (meaning the capital punishment

punishment of such prisoners as last aforesaid.) Surely then shall the blood of our lives (meaning the lives of such prisoners as last aforesaid) be required at their hands (meaning the hands of his said Majesty's Judges,) life for life, banishment for banishment; Whoso sheddeth man's blood by man shall his blood be shed; for in the image of God made he man. There is now but a step between us and eternity; it behoves therefore to be instant in speaking the truth, and to demand speedy justice: The hangman and the scaffolding of the new drop is already prepared for our executions on one hand, and Governor Phillip and military tyranny at Botany-Bay (meaning the said place in parts beyond the seas, called Botany-Bay) awaits us on the other; and in which said last-mentioned libel is also contained according to the tenor and effect following: We look with concern and abhorrence on the bloody hue of the felony laws, and the frequent executions in England in this reign, under a nominal administration of justice (meaning that justice had not been truly administered in England during his said Majesty's reign,) since the time our eyes have been opened to the expectation of salvation, pardon, expiation, and deliverance in this world through the divine providence, justice, and mercy of God's holy law in favour of our cases, and annulling the rigour of our sentences, and in arrest of the perverted judgment pronounced upon us;—in contempt of our said lord the king, in open violation of the laws of this kingdom, to the evil example of all others in the like case offending, and against the peace of our said Sovereign Lord the King, his crown and dignity. And the said Attorney General of our said Lord the King, for our said lord the King, further gives the Court here to understand and be informed, that the said George Gordon,

Gordon, Esquire, commonly called Lord George Gordon, being such person as aforesaid, and again unlawfully, wickedly, maliciously, and seditiously intending, devising, and contriving to stir up and excite tumults, discontents, insurrections, and seditions amongst divers of his said Majesty's subjects, and to render divers laws and statutes of this realm then and still in force within the same, as also his said Majesty's Judges employed by his said Majesty in the due administration and execution thereof, the objects of detestation, hatred, and contempt, by and amongst divers of his said Majesty's subjects, to wit, on the said twenty-second day of January, in the twenty-seventh year aforesaid, with force and arms, at London aforesaid, in the parish and ward aforesaid, wickedly, maliciously, and seditiously printed and published, and caused and procured to be printed and published, a certain other false, wicked, malicious, scandalous, and seditious libel, intituled, "The Prisoners Petition to the Right Honorable Lord George Gordon," and also further intituled, "The Prisoners Petition to the Right Honorable Lord George Gordon, to preserve their Lives and Liberties, and prevent their Banishment to Botany-Bay," of and concerning his said Majesty, and the laws and statutes now in force within this realm for the inflicting of capital punishment in certain cases, and of and concerning the administration and execution of justice within this realm by his said Majesty's Judges authorized to administer and execute the same; in which said libel is contained according to the tenor and effect following, that is to say, How long, O Lord! shall these Whited Walls of Council, who sit to judge the people after the law (meaning his said Majesty's Judges,) command us (meaning such of the

the said prisoners by whom the said libel purported to have been written as were then under sentence of death) to be hanged contrary to the law? They (again meaning his said Majesty's Judges) tithe mint and rue, and all manner of herbs, by making long charges to the Juries with a shew of justice and religion, and afterwards pass over judgment and the love of God, by pronouncing the sentence of death upon us (again meaning upon such prisoners as last aforesaid,) and shedding our innocent blood (meaning the blood of such prisoners as last aforesaid) for expiable trespasses, which do not require our cutting off from the people (meaning the infliction of capital punishment upon such prisoners as last aforesaid.) Surely then shall the blood of our lives (meaning the lives of such prisoners as last aforesaid) be required at their hands (meaning the hands of his said Majesty's Judges,) life for life, banishment for banishment: Whoso sheddeth man's blood by man shall his blood be shed; for in the image of God made he man;—in contempt of our said Lord the King, in open violation of the laws of this kingdom, to the evil example of all others in like case offending, and against the peace of our said Sovereign Lord the King, his crown and dignity. And the said Attorney General of our said Lord the King, for our said Lord the King, further gives the Court here to understand and be informed, that the said George Gordon, Esquire, commonly called Lord George Gordon, being such person as aforesaid, and again unlawfully, wickedly, maliciously, and seditiously intending, devising, and contriving as last aforesaid, afterwards, to wit, on the twenty-second day of January, in the twenty-seventh year aforesaid, with force and arms, at London aforesaid, in the parish and ward aforesaid, wickedly, maliciously, and

and seditiously printed and published, and caused and procured to be printed and published, a certain other false, wicked, malicious, scandalous, and seditious libel, intituled, "The Prisoner's Petition to the Right Honorable Lord George Gordon;" and which said libel is also further intituled, "The Prisoner's Petition to the Right Honorable Lord George Gordon, to preserve their Lives and Liberties, and prevent their Banishment to Botany-Bay," of and concerning his said Majesty, and the laws and statutes now in force within this realm for the inflicting of capital punishment in certain cases, and of and concerning the administration and execution of justice within this realm by his said Majesty's Judges authorized to administer and execute the same; in which said last-mentioned libel is contained according to the tenor and effect following, that is to say, We (meaning the supposed prisoners by whom the said last-mentioned libel purported to have been written) look with concern and abhorrence on the bloody hue of the felony laws, and the frequent executions in England in this reign, under a nominal administration of justice (meaning that justice was not truly administered in England during his Majesty's reign,) since the time our eyes (meaning the eyes of such prisoners as last aforesaid) have been opened to the expectation of salvation, pardon, expiation, and deliverance in this world, through the divine providence, justice, and mercy of God's holy law in favour of our cases (meaning the cases of such prisoners as last aforesaid,) annulling the rigour of our sentences (meaning the sentences passed upon such prisoners as last aforesaid,) and in arrest of the perverted judgments pronounced upon us (meaning the judgments pronounced upon such prisoners as last aforesaid;)—in
 contempt

contempt of our said Lord the King, in open violation of the laws of this kingdom, to the evil example of all others in like case offending, and against the peace of our said Sovereign Lord the King, his crown and dignity: whereupon the said Attorney General of our said Lord, who for our said present Sovereign Lord the King prosecutes in this behalf, prays the consideration of the Court here in the premises, and that due process of law may be awarded against him the said George Gordon in this behalf, to make him answer to our said present Sovereign Lord the King touching and concerning the premises aforesaid, &c.

COUNSEL FOR THE CROWN,

Mr. ATTORNEY GENERAL,
 Mr. SOLICITOR GENERAL,
 Mr. BEARCROFT,
 The Hon. THOMAS ERSKINE,
 Mr. BALDWIN,
 Mr. LAW.

SOLICITORS,

Mess. CHAMBERLAYNE and WHITE.

[The Information was opened by Mr. LAW.]

MR. ATTORNEY GENERAL.

MAY it please your Lordship, and you Gentlemen of the Jury :

This is an information against the noble Lord, the defendant, for a libel of as mischievous and seditious a nature as any I can possibly conceive.

If you have attended to this publication as it was opened by my learned friend, you observe it is supposed to be addressed to his Lordship by the prisoners then confined in gaol, but which never was so addressed by any person but himself. The object of it is to infuse into the minds of those unhappy wretches (whose lives or liberties were forfeit to the laws of their country,) that those who pronounced the sentences upon them had no right to pronounce such sentences, and therefore calling upon them (instead of their calling upon him) to resist the execution of those laws that they had broken ; and as far as he was able he dispersed them without doors when he was not able to disperse them within the doors of Newgate, to provoke his Majesty's subjects to rise in defence of what he calls those injured subjects, and to oppose the execution of those laws to which their crimes have made them subject.

Gentlemen, the liberty of the press is what we hear much of, and I trust we all know it is an invaluable privilege, which this country I hope will ever enjoy ; but no country upon earth can subsist if any subject of that country is permitted to attempt to infuse into the minds of it's inhabitants an opinion, that the laws of that country are contrary to the laws of God, and that therefore they ought to be resisted. If there is any man in this country who thinks so of it's laws, in God's name let him

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go somewhere else, let him go to that country where he can find more happy laws; and more liberal notions. He ought not to remain a subject of that country to the laws of which he thinks he ought not to submit, and which he is determined, as far as in his power, to prevent every other man's submission to.

Gentlemen, I do not wish by any thing I shall say to call for your verdict, without I shall establish the proofs I have to give upon a basis that nothing can shake; but I cannot help reminding you of the horrid tendency which this publication bears upon the face of it. It is but seven years ago since the three great gaols of this kingdom were sacked to their foundation, and every prisoner set at liberty.

Lord George Gordon. That has nothing to do with the present charge.

Mr. Attorney General. All I say is, that the history of that time would have taught any man (I mean not to apply it particularly) to be extremely cautious of any kind of publication which would, in any degree, lead to the repetition of the same outrages. This publication has for its object the very same attempt; this gross libel carries upon the face of it the language of Holy Writ; and the Scriptures of God are made use of to induce the people of this country to resist its laws.

Gentlemen, I will pass over many of the expressions in which it is couched (for it must be read to you in the course of the evidence,) and you will have the information to compare with it afterwards if you should think fit.

The pamphlet, after having begun with quotations from scripture, states, that "the true record
" of the Almighty is falsified and erased by the
" Lawyers and Judges, who sit with their backs to
" the

“ the words of the living God, and the fear of
 “ man before their faces, till the streets of our city
 “ have ran down with a stream of blood instead
 “ of righteousness, as it is at this day.”—“ How
 “ long, O Lord! shall these Whited Walls of Coun-
 “ cil, who sit to judge the people after the law,
 “ command us to be hanged contrary to the law?
 “ They tithe mint and rue, and all manner of herbs,
 “ by making long charges to the Juries with a
 “ shew of justice and religion, and afterwards pass
 “ over judgment and the love of God, by pro-
 “ nouncing the sentence of death upon us, and
 “ shedding our innocent blood for expiable tref-
 “ passes, which do not require our cutting off from
 “ the people. Surely then shall the blood of our
 “ lives be required at their hands, life for life,
 “ banishment for banishment: Who so sheddeth
 “ man’s blood by man shall his blood be shed;
 “ for in the image of God made he man. There
 “ is now but a step between us and eternity; it
 “ behoves us therefore to be instant in speaking
 “ the truth, and to demand speedy justice: The
 “ hangman and the scaffolding of the new drop
 “ is already prepared for our executions on one
 “ hand, and Governor Phillip and military tyranny
 “ at Botany-Bay awaits us on the other. We are
 “ accounted as sheep for the slaughter, as men of
 “ death in the eye of the law of England, copied
 “ from the laws of Draco, written in blood.”

Now, Gentlemen, the object of this is clearly
 to persuade every man in this country that our laws
 are unjust, and that the legislature have usurped
 a power which does not belong to them, of inflict-
 ing the punishment of death, or even banishment,
 for the crimes for which the convicts were then
 confined in their respective prisons.

I need

I need not comment before Gentlemen of your description upon the tendency of such a publication. If there are any men so weak as to be affected by arguments like these with respect to the power of taking away life, except in cases where life has been taken away, let them only consider, that the reason why executions are more frequent in England than elsewhere is, because the laws are milder. We know nothing of tortures; God forbid we ever should practise them: and no man can be convicted in this country of an offence but in cases where the guilt must be so apparent that it is hardly possible to suppose a conviction where innocence can exist.

After having written this pamphlet addressed to himself, and not by the prisoners addressed to him, the noble Lord in the months of January and February paid very frequent visits to Newgate; a place I should have thought his Lordship would have abstained from ever visiting. In those visits he had frequent conversations with Mr. Pitt, the turnkey, and repeatedly requested to be admitted to the cells, to talk with the prisoners about the sentences under which they respectively laboured, stating to him, that it was extremely unjust that they should have received those sentences, and wishing, if Mr. Pitt would have permitted him to have gone into the gaol, to have conversed with the prisoners upon that subject. Mr. Pitt knew his duty too well to permit that.

His Lordship being refused admittance, some time after came his Lordship's own footman, with three of these pamphlets, addressed to Mr. Pitt, on the felons side of Newgate, with Lord George Gordon's compliments. The footman told Mr. Pitt that he came from Lord George Gordon, and he left three of the pamphlets; one directed to

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him;

him; another to Mr. Villette, the ordinary of Newgate; and a third to another Mr. Pitt, the turnkey on the debtors side.

One of these pamphlets was very properly put into the hands of the Sheriffs, who have the immediate custody of the gaol: they very properly thought it their duty to lay it before the person who has now the honor to address you; and I thought it my duty, upon hearing of such an attempt, (and indeed I should not have been worthy to wear the gown I do if I had hesitated a moment upon it's being communicated to me) to bring the noble Lord before the first Court of Criminal Jurisdiction in this country; and in that Court, before a Jury, to answer for so seditious an attempt.

Lord George Gordon, after being disappointed in his attempt upon the persons immediately employed in the custody of Newgate, sent two persons to the door of Newgate, with an intent, if they could, to have found entrance into the gaol, which I believe they were not able to effect. Not being able to get admittance into the gaol, they dispersed these pamphlets about the streets before the gaol of Newgate to every person that came by, or that was likely to have access into the gaol.

Mr. Pitt waited upon Lord George Gordon. His Lordship avowed his having sent the three pamphlets to Newgate by his footman. Indeed, when he went to his Lordship's house, he was let in by the same footman that brought them to him.

Mr. Pitt went to his Lordship, to ask him who those persons were that had dispersed the pamphlets before the gaol, and to remonstrate with him upon his conduct with respect to the prisoners. His Lordship told him the names of the persons whom he had so employed; and, in short, did then that which God forbid he should do now, and I hope
he

he will not now attempt it; he justified what he had done, and insisted he had a right to make this address to the prisoners, which he is now called upon to answer for.

Gentlemen, I have stated to you, that no man in this country can be convicted by any other means than by evidence immediately applying to the crime he is charged with. I shall produce the evidence I have stated respecting these different conversations. I shall then prove his Lordship's acknowledgment. Indeed, these several addresses to the turnkeys are in his own hand-writing. When I have done that, I know not whether there will be any necessity for me to address you any more upon this information: most probably not.

If there is a man who can entertain the ideas that this noble Lord would have you suppose he does, I am sure he is not a fit subject for this kingdom; I believe for no other upon the face of the earth: for it would be impossible that Government should subsist, if such notions were admitted to be disseminated among the people.

God be thanked! this libel did not attain its end, and I hope and trust there will be always vigour enough in the Government of this country to resist any such attempts, and to keep that peace upon which depends our prosperity, and which if we keep among ourselves I believe we may long be a happy and a flourishing people.

EVIDENCE FOR THE CROWN.

JOHN PITT (*sworn.*)

Examined by Mr. SOLICITOR GENERAL.

Q. Were you employed in the gaol of Newgate at any time in December last?

A. Yes.

Q. In what capacity?

A. As turnkey to Mr. Akerman.

Q. Did you about that time receive any pamphlets respecting the prisoners in gaol?

A. Yes; but I can't say the day of the month when I received them. I received three pamphlets from Lord George Gordon's servant.

Q. Did you receive them in the month of December?

A. I can't say that it was in the month of December.

Q. Did you know Lord George Gordon?

A. I did.

Lord George Gordon. He has known me many years.

Pitt. No, I have not known you a twelve-month; it was in the latter end of the year 1786: Lord George Gordon came into the tap-room; it was before the tap was taken away.

Q. Is that a part of the prison?

A. Yes.

Q. How often had his Lordship come to you before the receipt of those pamphlets you spoke of?

A. I dare say he had been there half a dozen times.

Q. What was the object of those visits?

A. He

A. He used to come in and say "Don't you think it is cruel that so much blood should be spilt? Don't you think it is very hard so many should suffer?" I said I could not help it, nor he neither I believed. He said "No man ought to suffer death without he spilt blood."

Q. You said you received three pamphlets from Lord George Gordon's servant: did you receive any more at any other time?

A. On the 4th of January, when we were moving the prisoners for trial, I met a woman in the passage with some pamphlets. I asked her where she got them; she said I might get enough at the door. There was an old man there: he told me he had those pamphlets to deliver from Lord George Gordon. I asked him to give them to me.

Q. Did you afterwards receive any pamphlets yourself?

A. Yes; from Lord George Gordon, at his own house.

Q. Were any of these pamphlets sent to any persons in Newgate?

A. Yes; Lord George Gordon sent three: one directed to me; one to my brother Thomas, on the debtors side; and one to Mr. Villette, the ordinary of Newgate.

Q. Is that the pamphlet (*handing it to the witness*) which was directed to you?

A. It is; I wrote my name at the top of it.

Q. Do you know the hand-writing of the direction?

A. Yes.

Q. Whose hand-writing is it?

A. Lord George Gordon's.

Q. Have you seen his Lordship write?

A. I have. One of the pamphlets is directed to Mr. Akerman; I saw Lord George Gordon

write that in his own parlour. His Lordship often wanted to go in to the condemned convicts: I told him I could not let him in without an order from Mr. Akerman or the Sheriffs. He frequently asked me how he was to apply to get admittance into the gaol: I told him he must apply to the Sheriffs, or to Mr. Akerman.

Q. Did you at any time go to Lord George Gordon's house?

A. Yes, I did, on Friday the 26th of January.

Q. Relate what passed then.

A. I knocked at the door; the footman that brought the three pamphlets came down and opened the door. I asked if his Lordship was at home: he said he was. I said give my compliments to his Lordship, tell him my name is Pitt, and that I come from Newgate; that I should be glad to speak with him. His Lordship sent for me up stairs. I told him there was a sad piece of work about these pamphlets: he said, "Don't you mind it; I am ready for them, let them begin as soon as they will." I sat down, and had a glass of rum and water. I looked behind me; there I saw a pile of these pamphlets. I said there are some of them here: he said "Yes; has Mr. Akerman had one?" I said I cannot say that he has. He said "Will you be so kind as to take him one?" I said I will; will you write your compliments upon the back of it? His Lordship then wrote his compliments to Mr. Akerman on the back of one of the pamphlets, and gave it me: he gave me one or two more.

Q. Did you ask his Lordship any questions respecting the two persons you mentioned, as dispersing these pamphlets?

A. I asked him where they lived, and then he wrote down their directions.

Q. Look

Q. Look at that paper?

A. This is the direction; I saw Lord George Gordon write it.

The following Exhibits were read by the Associate:

“ Lord George Gordon’s Compliments to Mr. Akerman, January 26, 1787.” written upon one of the Pamphlets.

The Address of the Persons who delivered the Pamphlets.

“ Mr. Mowatt, at the Hat-maker’s, Long’s Court, St. Martin’s.

“ Mr. De Fleury and Miss De Fleury, at Mr. Tashmaker’s,”

JOHN PITT,

Cross-examined by Lord GEORGE GORDON.

Q. I desire you to tell me whether any conversations I ever had with you was to stir up the prisoners to any violence of conduct, or whether it was not after I had told you and your brother that I thought that the felony laws were too sanguine, and also that they had not had their effect by deterring people from committing thefts in all parts of the kingdom, and that you said also that you was tired with seeing of blood shed?

A. I never said any such word. If I must tell the truth I was always glad to get away from you; I often made use of many feints; I would not hold you in discourse.

Q. You said I said let them go on. Do you think I meant the prisoners or the King’s servants to go on?

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A. I

A. I can't tell who you meant.

Q. You say I made use of those words?

A. Yes.

Q. Whether you was not sent for by Government about these pamphlets?

A. No.

Q. Did not somebody come to you on the part of Government to enquire about it?

A. Yes.

Q. And then you came and told me there was a deal of enquiries about this pamphlet?

A. Yes.

Q. And then I said let them go on, I am ready for them?

A. Yes.

Q. It did not relate to the prisoners you see?

A. I can't tell what it related to.

[*The Libel read as follows.*]

The PRISONERS PETITION to the Right Honourable Lord GEORGE GORDON, to preserve their Lives and Liberties, and prevent their Banishment to BOTANY BAY. London: Printed by Thomas Wilkins, No. 23, Aldermanbury. 1786.

MY LORD,

WE the Prisoners whose names are under-written, galled with fetters of iron, and appointed to death in England, or condemned to perpetual exile and arbitrary government in a barbarous Country abroad, where the remainder of our lives is determined to be made bitter with hard bondage, most earnestly intreat your Lordship to hear our sighs and groans, and to let the distresses of your fellow-creatures, whose afflictions have found no profit, help, alleviation,

tion, or benefit of the clergy, penetrate to your compassion, and incline your heart, and direct your will to preserve us, if you have the power, from the dread execution of the doom and sentence pronounced on our trespasses.

We are not so shameless of face, or hardened, as to say that we are righteous, and have done no sin; for verily we have sinned, we have been guilty, we have deceived, we have spoken falsely; we have way-laid the unwary in his footpath, we have arrested the traveller on the highway, we have robbed, we have committed iniquity and wickedness, we have infested the streets of the city, we have done violence, we have caused the terror by night, we have occasioned distress by day, we have erred and set bad examples, we have led a rising generation astray, we have been suffered to grow up as a plague to the people, for their sins, as a pest in their play houses, in their churches, in their courts of justice, and at their executions; our young ones also swarm and nestle in their avenues; even the King's companies are dishonoured by Thieves and Plunderers: We have departed from the commandments of God, and refused to keep his laws.—Blessed art thou, O Lord our God, King of the Universe, that thou bestowest graciousness, confession, and repentance to sinners!

We are neither so ignorant or so presumptuous as to imagine to escape the just judgments of God, in this world, for our public wrongs and offences against our neighbours, by a mere confession of our faults with penitence and contrition; for in our present humiliation and mourning before him, for our trespasses of thievery, the thoughts of our rent hearts are not proudly set against the Lawgiver, to require one

one jot or one tittle of mitigation of our own deserved punishment from our rulers, or to change or alter the decree of his appointed law. The law of the Lord is perfect, converting the soul; the judgments of the Lord are true and righteous altogether. With righteousness shall he judge the world, and the people with equity, Till heaven and earth pass, one jot or one tittle shall in no wise pass from the law, till all be fulfilled. Kings shall not add thereto nor diminish from it. For the Lord is our God, the Lord is our Judge, the Lord is our lawgiver: may his will be done on earth as it is in heaven, and his kingdom come quickly in our days!

But we have reason to cry aloud from our dungeons and prison-ships, in defence of our lives and liberties, in this advanced period of the world (when many kingdoms and commonwealths affect holiness unto the Lord, and profess to take hold out of all languages of the nations, even to take hold of the skirt of him that is a Jew, saying, We will go with you, for we have heard that God is with you) that the just punishment ordained by God for our trespasses of thievery, is profanely altered by men like ourselves, that his adequate judgment of our offences mingled with mercy, is not executed upon us in righteousness; that the everlasting law of his statutes is changed and perverted to our destruction, and the true record of the Almighty, is falsified and erased by the lawyers and judges (who sit with their backs to the words of the living God, and the fear of man before their faces) till the streets of our city have run down with a stream of blood, instead of righteousness, as it is at this day; just as if the kingdoms and commonwealths, at this advanced
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æra, were still aliens from the commonwealth of Israel, and strangers from the covenants of promise, having no hope, and without God in the world. How long, O Lord! shall these whited walls of council, who sit to judge the people after the law, command us to be hanged, contrary to the law? They tithe Mint and Rue, and all manner of herbs, by making long charges to the juries, with a shew of justice and religion, and afterwards pass over judgment and the love of God, by pronouncing the sentence of death upon us, and shedding our innocent blood for expiable trespasses which do not require our cutting off from the people. Surely then shall the blood of our lives be required at their hands, life for life, banishment for banishment. Whoso sheddeth man's blood, by man shall his blood be shed; for in the image of God made he man.

There is now but a step between us and eternity, it behoves us therefore to be instant in speaking the truth, and to demand speedy justice: the hangman and the scaffolding of the New Drop is already prepared for our executions on one hand, and Governor Phillip, and military tyranny, at Botany-Bay, awaits us on the other; we are accounted as sheep for the slaughter, as men of death in the eye of the law of England, copied from the laws of Draco, written in blood, the Athenian laws, the Heathen laws, the Roman laws, the Goths laws, the laws of bloody king Henry the first, since whose reign the stealing above the value of twelve-pence, (which sum was the standard in the time of king Athelstan, eight hundred years ago) is at common law regularly death. Which, considering the great intermediate alteration in
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the price or denomination of money, is undoubtedly a very barbarous constitution; and made the humane Sir Henry Spelman (above a century since, when money was at twice its present rate) complain, that while every thing else was risen in its nominal value, and become dearer, the life of man had continually grown cheaper. From such horrid and blasphemous precedents of heathen legislators, as well as from the unreasonableness and inefficacy of the practice, many learned and pious men in Europe, like Sir Henry Spelman, have questioned the propriety and lawfulness of inflicting capital punishment for theft. The system of satisfactions proposed by Sir Thomas More, and the Marquis de Beccaria, at the distance of more than two centuries, were much nearer an obedience to the infallible law of God, than the sanguinary statutes of any of the Christian Kingdoms are at this day. The pride, and stubbornness of the hearts of the Kings, their Ecclesiastics, and Sycophants, have continually despised the lawgiver, and blasphemed with Pharaoh, saying, Who is the Lord, that we should obey his voice to let Israel go? We know not the Lord, neither will we let Israel go. Thus notwithstanding all the remonstrances, sufferings, and protestations of honest and good men for many ages past, and the false pretences of benevolence and justice among the Ecclesiastics and Kings, the punishment of theft still continues, throughout the greatest part of Europe, to be capital. Puffendorf also, and Sir Matthew Hale, two arrogant lawyers, both presumed to sport the same heathen opinion, puffed up with human learning and the wisdom of man, that it might be lawful on all occasions

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to refer to the decision of earthly legislators to judge (instead of God) when crimes required the sanguinary punishment of dividing the soul from the body. These are they who have devoured Jacob, their sins are as scarlet, the peoples blood have they shed like water, they have defiled the royal law of liberty by their forcible entries with heathen institutes. Wherefore should they longer say, Where is our God? Let him be known among the heathen in our sight by the revenging of the blood of his servants which is shed. Let the sighing of the prisoner come before thee, O Lord! according to the greatness of thy power preserve thou those that are appointed to die!

We look with concern and abhorrence on the bloody hue of the felony laws, and the frequent executions in England, in this reign, under a nominal administration of justice, since the time our eyes have been opened to the expectation of salvation, pardon, expiation, and deliverance in this world, through the divine providence, justice, and mercy of God's holy law, in favour of our cases, annulling the rigour of our sentences, and in arrest of the perverted judgments pronounced upon us. It would be blasphemy to compare the laws of the nations with the laws of God, or to set up the rebellious judgments of men against the decree of the Almighty. The Lord is a God of judgment, blessed are all they that wait for him. Save us, O Lord our God! and send enlargement, that we may give praise unto thy holy name, and be made stedfast in thy commandments and perfect in thy law: O hide not thyself from us in times like these, but cause us to return unto thee, O our King! and we shall return; re-
new

new the days as of old, when thou broughtest thy people out of the land of Egypt, out of the house of bondage, and talkest with them from heaven, and gavest them true statutes and judgments, in which all the nations of the earth shall be blessed: restore thy righteous judges as at the first, and thy wise counsellors as at the beginning!

We shall not be contradicted in asserting, that plunderers and thieves of all ranks, denominations, and ages, have been encreased, instead of diminished, by substituting heathen cruelties, in England, in place of the merciful punishment of God's appointment; even as the plagues were multiplied and came up into the courts and chambers of Pharaoh and his counsellors, who were hardened to destruction. Nor have these sinful commutations of his judgments and statutes, these presumptuous perversions of the sure ways of the Almighty, who seeth the end of all matters at their first beginning, nor these mischiefs framed by laws, availed England in our days. God is just in all the rebellions, plots, tumults, discontents, corruption, revolt of colonies, fires, dearness of provisions, factions, loss of trade, grievous taxes, felonies, murders, perjuries, evil counsellors about the Throne, and a general diminishing, that are come upon the nation; for he hath dealt truly and we have done wickedly; our King, our Princes, our Judges, our Lawyers, our Parliament, and our People, in despising the counsel of the God in heaven above and upon earth beneath, and trusting in the counsel of man, whose breath is in his nostrils. Cease ye from man, for wherein is he to be accounted of? What is he, What is his life? What is his piety?

ety? What is his righteousness? What is his help? What is his strength, What is his power? What is his law? Behold the mighty men are as nothing before God, and the most famous Kings as if they were not: and the wise men as if they had no knowledge: and the intelligent as though void of understanding: for the greater part of their actions are emptiness, and the days of their lives but vanity in his presence: the nations also are reputed as nothing before him, and the Isles as a very little thing.

If any Atheists, Infidels, or Idolaters, should say that by abolishing all the heathen cruelties and practices remaining in the European laws, at this moment, and returning in faith to the good old paths, the healing ways of the most high God, that in the present ill-educated and disobedient generations throughout the Kingdoms, the difficulties and perplexities of their respective governors would encrease, and that the distresses and terrors of society would be enlarged—We beg leave to answer by reminding them, that in a former rebellion (when the people forgot God their Saviour, which had done great things in Egypt, and believed not his word, but murmured against the law and altered it, that he lifted up his hand against them also, to overthrow them, to incorporate them with strange nations their natural enemies, and to scatter them in their lands, because they had joined themselves to Baal-Perazin, the God of divisions and dissipation, and did eat the sacrifices of the dead, and shed innocent blood till the land was polluted with blood, and provoked him to anger with their innovations and inventions, till plagues broke in upon them); that even then, when Phinehas stood up, like a
new

new chief justice; in the midst of their calamities, and executed judgment with righteousness, all their plagues were stayed immediately. In returning and confidence they were saved. At other times too of famine, sore sicknesses, earthquakes, seditions, privy conspiracy, assassins, and all troubles, God has delivered the lovers of his law from death, prisons, captivity, and banishment, and redeemed them in wars from the power of the sword. Yea, he has even extended the covenant of his mercy and peace, in this world, and accounted everlasting righteousness, to well disposed individuals and their families, who like the Harlot Rahab, have shewed kindness to his people who lift up and rejoice in his laws in the midst of the nations. The *secret* of the Lord is continually with them that fear him, even in our days, as it was in the beginning is now and ever will be, there shall no evil befall them, neither shall any plague come nigh their dwellings, for he shall give his angels charge over them, to keep them in all their ways. He will be with them in trouble, he will deliver them, and honour them, his truth shall be their shield and buckler, they shall not be afraid for the terror by night, nor for the pestilence that walketh in darkness, nor for the destruction that wasteth at noon-day; thousands shall fall at their side, and ten thousands at their right hand, but it shall not come nigh them, only with their eyes shall they behold and see the reward of the wicked, the perverters of his Judgments.—Except the Lord keep the Kings, the Governments, the Judges, the Cities, the Courts, and the Chambers, the Watchman waketh but in vain.

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If we had committed capital crimes, and were to be judged and executed according to God's law, our souls would then be justly cut off from the face of the earth, from the bosom of Abraham, and from the presence and pardon of God to all eternity; souls should not in that case answer for our souls; but let not our blood fall to the earth before the face of the Lord for the pardonable trespasses of thievery, for which the Saviour does not require our blood. O sovereign God! who sittest on the throne of compassion, grant us the remission of our iniquities, causing them to pass away in their order. May our neighbours judge not our lives to the cutting off, or to banishment, contrary to the law, lest the just One judge their souls to the cutting off, or to exile, agreeable to the promise; but let them forgive us our trespasses of the law, in love, fulfilling the law of trespass, as we shall forgive them their unlawful trespasses against our lives and liberties, in the day of our restitution and atonement in righteousness before the Lord, and in mutual forgiveness and reconciliation as brethren. Be wise now therefore, O ye Kings; be instructed, ye Judges of the earth. A true law hath the Almighty given to his people, by the hand of Moses his servant, the faithful in his house. The Almighty will never change or alter his law. May he give grace and truth to our rulers, judges, and lawyers, to fulfil it towards us in righteousness, and not to destroy it, otherwise, they shall in no case enter into the Kingdom of heaven. May the Kings of the nations speedily become as patterns of faith, life, and manners to their subjects, righteous before God, walking in all the commandments and ordinances of the Lord

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blameless;

blameless; may they take heed to themselves that their hearts be not beguiled, and they turn aside, and serve other gods, and bow down unto them, and the anger of the Lord be kindled against them, and they perish quickly. May they love the Lord our God with all their hearts, with all their souls, and with all their might, and diligently teach his statutes and judgments unto their children, and remember all the commandments of the Lord, and do them. May they consider it in their hearts that the Lord he is the God, and there is none beside him, and that he that speaketh evil of his brother, and judgeth his brother, speaketh evil of the law, and judgeth the law: but if thou judge the law, thou art not a doer of the law, but a judge. There is one lawgiver, who is able to save and to destroy: who art thou that judgest another?

We again entreat your lordship to become our good intercessor with the King and the Rulers, and to exert your strongest endeavours to save our lives and liberties, and to prevent our banishment to Botany Bay.

So shall your petitioners ever pray for your Lordship, &c. &c. &c.

Mr. RICHARD AKERMAN (*sworn.*)

Examined by Mr. BEARCROFT.

Q. I believe about the time of the publication of this pamphlet that has been given in evidence it was a general talk that there was a design to transport persons under sentence to Botany-Bay?

A. There was.

Mr.

Mr. JOSEPH ROBERTS (*sworn.*)

Examined by Mr. BEARCROFT.

Q. Mr. Roberts, have you examined these copies with the original records at the proper office?

A. I have.

Q. Are they true copies?

A. They are.

Mr. Bearcroft. These are office copies of the records of the conviction of several persons who were confined in Newgate and in the New Gaol. We produce them to support the allegation in the information, that at the time of the publishing this libel there were divers persons confined in divers gaols in this kingdom under sentence of death or transportation.

They were read by the Associate, and were,

An office copy of the record of the conviction of James Watts and Francis Hardy, for a highway robbery in the county of Middlesex, who both received sentence of death;

An office copy of the record of the conviction of Hugh Macdonald, for shop-lifting in the county of Middlesex, who received sentence of death;

An office copy of the record of the conviction of Charles King and Thomas Thompson, for a burglary in the city of London, who received sentence of death;

An office copy of the record of the conviction of John Christmases, for felony in the county of Surry, who received sentence of transportation for seven years;

An office copy of the record of the conviction of William Yardley, for felony in the county of Surry, who received sentence of transportation for seven years.

Q. to Mr. Richard Akerman. Was James Watts in your custody under that sentence?

A. He was: he was convicted in the December session.

Q. Was Francis Hardy likewise in your custody?

A. He was.

Q. Was Hugh Macdonald in your custody?

A. He was.

Q. Were Charles King and Thomas Thompson in your custody?

A. Yes.

Mr. RICHARD AKERMAN,

Cross-examined by Lord GEORGE GORDON.

Q. Had I the smallest connection with those prisoners that they have asked you about?

A. Not that I know of.

Q. Had I any connection in sending the petitions to any particular prisoners? or did I direct them to you, to the two turnkeys, and Mr. Villette, the ordinary of Newgate?

A. I got one of them; I read it, and desired they would not deliver any.

Q. Did you understand that I had the smallest connection with the prisoners?

A. I never heard that you had. I heard you had been at the debtors side, and had seen a debtor in the lodge, but not to go into the prison.

Q. How long was that before this time?

A. A great while before.

Mr.

Mr. ——— HALL (*sworn.*)

Examined by Mr. ERSKINE.

Q. You are the keeper of the New Gaol ?

A. Yes.

Q. Had you John Christmass in your custody ?

A. I had.

Q. Had you William Yardley in your custody ?

A. I had.

Mr. ——— HALL,

Cross-examined by Lord GEORGE GORDON.

Q. Do you know me by sight ?

A. I do not know the Gentleman.

Q. You are the keeper of the New Gaol, are you ?

A. Yes.

Q. Did Lord George Gordon ever send any petitions to you ?

A. No.

Q. Did he send any to any of your prisoners ?

A. Not that I know of.

Q. Had he ever any connection or intercourse with either of the persons whose names you have repeated now ?

A. Not that I know of.

Q. Were there any papers delivered at your gaol to stir up your prisoners to sedition ?

A. I heard there were papers delivered at Newgate, but I did not hear of any being delivered at my prison.

The End of the Evidence for the Crown.

Lord GEORGE GORDON.

Gentlemen of the Jury,

THE reason of my having turned my mind particularly to the laws of theft in this country, particularly with respect to their being various from God's laws, and the consequence of their being put into execution, was on this wise: I had a theft committed by one of my own servants; and when he was detected in it, and was going to be discharged for it, he declared himself actuated by the devil, or some evil spirit, and that he could not help himself in what he did; and he begged I would not discharge him, and make his crime notorious, but that I would excuse him for it. The matter was not great; it was only about eighteen pence in four and sixpence: he was sent to buy a thing, he charged four shillings and sixpence, and I think he only gave three shillings for it; the person he bought it of told me: he came afterwards, and asked me how I liked the article, because he thought it was very cheap; it was a fowl. Having occasion always to observe the same rule in my private family by the law of God as I do in my public conduct, some people told him in my house he would be hanged, if my Lord chose it; this frightened him very much, and to turn him away with a character of that kind I did not chuse to do it.

I looked into the law of God, and found it required no man's blood to be taken away; and there are many other countries besides this where no man's blood is shed for the trespass of thievery. Having considered this, and the number of persons whose blood is shed in this country, and that it did

did not deter others from thievery, and that the Judges are obliged to send them into a foreign country, and not to execute their own law upon them, (for the law is death, if it is above a shilling;) therefore they have drawn up those laws to send them to Botany-Bay, where a military government is established for them, as is set forth in this paper; there is neither Judge, Jury, nor Counsel allowed to the prisoners, whatever offences they may commit, at Botany-Bay.

Having turned these things in my mind, and having heard how much the hearts of the Judges were melted and softened by pronouncing the sentence of death by the imposition of human laws, contrary to God's law, and those laws, though there is much human wisdom in them, having not any effect, I chose to communicate my sentiments before I did it to the public or the prisoners themselves. I went to Lord Mansfield, but could gain no admittance. I went next to Judge Gould; mentioned my business; he desired me to stay breakfast with him, and converse more fully with him; and there were tears in his eyes when I was talking about it: and he desired me to put my sentiments upon paper in a proper way, that they might be known, and that they might come before the Legislature and the Government of the Country; because, as the laws now stand, the Judges are shut up to pronounce according to the letter of the law.

Having heard Judge Gould say that, I also went to the Recorder. This was about the middle of December. The Recorder said also he wished the Legislature would take up this business, and alter the laws, and that the gaols all over the kingdom were crowded; and Judge Gould said it had no effect at all, for some men had been hanged in

Holborn (Walker I think it was), and a gold watch was picked out of a gentleman's pocket whilst sentence was executing. He said, they were contrary to the law of God, but agreeable to the law of the land; and the Judges are bound to pronounce according to the evidence brought of a prisoner's having committed those crimes.

From this I went to Sheriff Le Mesurier to ask for permission to speak to some of the most prudent persons who were under sentence of death for small thefts, thought to be objects of mercy, or thought to be included in being transported to Botany-Bay. Mr. Le Mesurier did not know me; I only simply went into the Sheriffs Office. First I went to Newgate, to ask if they would allow me to see any of the prisoners: they said no, not without an order from the Sheriffs. I went to Sheriff Le Mesurier: he said he would make out an order for my admission: he, while he was making out the order, said, What is your name? I told him: then he stopped all of a sudden. He said, "You have some reason for going there?" I told him I had, that I had been with Judge Gould and the Recorder upon the subject, and my heart was full of it, and the heart of every man ought to be full of it, to see the lives of fellow creatures taken away, contrary to the law of God. He said, "Pooh, pooh, I shall not attend to it at all." Having made use of these words, I took him up in a solemn language; I addressed myself to him in such a manner that I made him beg my pardon three times before his own clerks in the office, not by any threats of beating, or the like, but by language applied to his heart. Finding I could get no access to speak to any of the particular prisoners, I spoke to Mr. Pitt and Mr. Villette, the ordinary of Newgate, and he agreed with me that
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the laws of God were exactly as I said, but he thought it was not his duty to tell the people when they were dying, that the laws of God were contrary to the laws they were going to be executed upon. I told him he did not do his duty to God if he did not. After this I went home to my own house, and put some of my sentiments upon paper. You will observe that there is no proof brought of my having written it at all. They say I have written it and published it, &c. they have proved the publication of it in a manner.

The information says, it was written maliciously, scandalously, and with such views which were not in my heart at all. I have told my Lord, and the Jury, the motives that were in my heart; and you see, that so far from my ideas, as the Attorney General has wickedly insinuated, having tended to subvert order in the country, he himself, and his associates, and the Government, and the Parliament, have drawn up a bill to alter the law in this case as much as I could wish it to be altered; it is from death to milder punishment.

So far from any man having committed any crime in supporting the law of God in preference to the law of man upon all occasions, that in last Saturday night's Gazette the King states in his proclamation that the strict observation of God's law is absolutely necessary for his subjects of all ranks to bring a blessing upon his people and government. I could have brought in evidence, that the King, in his own proclamation, has said no more than I have said in this. I wish God's laws to be established in this country as I do all over the world, that people's hearts may be glad. I do wish God to be not only over this country but over the whole world, and it is time God's law should be over the whole world.

Gentlemen,

Gentlemen, the Attorney General said it was with a seditious view, and that the visits to the prisoners were at the time of the publication of the pamphlets. The visits to the prisoners were at the time I have mentioned, and not at the time of the publication of the pamphlets; and that such pamphlets as were upon the subject of the prisoners were not sent in to the prisoners to stir them up, or sent to them during the execution, when the Parson would be obliged to eat up all he said, or to lye before the people. That would have been the time to stir them up; but I did no such thing, I sent them to Mr. Pitt and his brother, and when Mr. Pitt came to my house for some, he said, why did not your Lordship send one to Mr. Akerman, he is a good sort of a man, and he will think it very odd. I declare to God these are the words, he will think it very odd you should send us the pamphlets, and not send one to him, who is the keeper of the gaol; which I did.

You see they do not prove the smallest connection between me and those prisoners; whatever their sentences were, whether death or banishment, I don't know which, though they state in their information that I published and wrote it, and stirred them up in several gaols. There is only one gaol with which they prove the smallest connection at all; with the New Gaol in the Borough they prove no kind of connection whatever.

There is another thing, and this is a very serious part I am going to say now, that either the Judge, I don't know very properly that I may call Judge Buller the Judge in the beginning of the proceedings, because there was a senior Judge then in the Court of King's Bench—that either the Judge and the Court of King's Bench are wrong in the manner in which they have suffered
this

this proceeding to go on, or the Attorney and Solicitor General are wrong in the way they have gone on; both these Informations are brought against me: this one is sixteen months ago; the other information, which you are to try also, the French information, is ten months ago, August 1786.

The informations *ex officio* are brought to trial without any previous finding by the Grand Jury, only upon the information of the Attorney General, and no previous finding by the way of indictment; therefore there is no criminality passed by any evidence upon this prosecution against my conduct as yet, and the only legal methods of these informations is this: " Informations are of
 " two sorts; first, those which are partly at the
 " suit of the King, and partly at that of a sub-
 " ject; and secondly, such as are only in the
 " name of the King: the former are usually
 " brought upon penal statutes, which inflict a
 " penalty upon conviction of the offender, one
 " part to the use of the King, and another to the
 " use of the informer, and are a sort of *Qui tam*
 " actions (the nature of which was explained in
 " a former volume) only carried on by a criminal
 " instead of a civil process, upon which I shall
 " therefore only observe, that by the statute
 " 31 Eliz. cap. 5. no prosecution upon any penal
 " statute, the suit and benefit whereof are limited
 " in part to the King, and in part to the pro-
 " secutor, can be brought by any common in-
 " former after one year is expired since the com-
 " mission of the offence, nor on behalf of the
 " Crown after the lapse of two years longer; nor
 " where the forfeiture is originally given only to
 " the King can such prosecution be had after the
 " expiration of two years from the commission of
 " the offence.

" The

“ The informations that are exhibited in the
 “ name of the King alone are also of two kinds ;
 “ first, those which are truly and properly his
 “ own suits, and filed *ex officio* by his own im-
 “ mediate officer, the Attorney General ; second-
 “ ly, those in which though the King is the no-
 “ minal prosecutor, yet it is at the relation
 “ of some private person or common informer,
 “ and they are filed by the King’s Coroner and
 “ Attorney in the Court of King’s Bench, usually
 “ called the Master of the Crown Office, who is
 “ for this purpose the standing officer of the pub-
 “ lic.” I should state to the Jury that this is in
 Judge Blackstone’s book, which I believe all the
 Judges approve of upon this subject :—“ The
 “ objects of the King’s own prosecutions, filed *ex*
 “ *officio* by his own Attorney General, are pro-
 “ perly such enormous misdemeanors as peculiarly
 “ tend to disturb or endanger his government, or
 “ to molest or affront him in the regular dis-
 “ charge of his royal functions : for offences so
 “ high and dangerous, in the punishment or pre-
 “ vention of which a moment’s delay would be
 “ fatal, the law has given to the Crown the power
 “ of an immediate prosecution, without waiting
 “ for any previous application to any other tri-
 “ bunal.”

That is, without waiting for any previous find-
 ing by an indictment, to take the person imme-
 diately, supposing he has Government and the
 laws in such a way that if you don’t take him in
 the act he will turn them over so in a moment ;
 and in such a case the Attorney General has a
 right to attach such a person for fear he should
 put his intentions into execution ; that if you don’t
 take him immediately the Government is subvert-
 ed, and there is a good reason for keeping those
 informations

informations *ex officio* upon the statute books : I do not say they are contrary to the laws of the land, but are very necessary when executed with judgment, and not with views of harrassing and vexation.

They have been above ten months in the first cause, and six months in the second : now there are many Grand Juries have sat within ten and within six months, and I have been at large all the time, and might communicate with whoever I pleased ; whereas, if they had proceeded properly in the business, my offence ought to have been so high that I ought to have been taken into custody immediately, and tried in the immediate summary proceeding of the Judges, as it is in this case, without waiting for the previous finding of a Grand Jury : “ Which power, thus necessary not only
 “ to the ease and safety, but even to the very existence of the executive magistrate, was originally reserved in the great plan of the English Constitution, wherein provision is wisely made
 “ for the due preservation of all its parts. The objects of the other species of informations,
 “ filed by the Master of the Crown-Office, upon the complaint or relation of a private subject,
 “ are any gross and notorious misdemeanors, riots, batteries, libels, and other immoralities of an
 “ atrocious kind, not peculiarly tending to disturb the Government (for these are left to the care of
 “ the Attorney General,) but which on account of their magnitude or pernicious example deserve
 “ the most public animadversion ; and when an information is filed either thus, or by the Attorney General *ex officio*, it must be tried by
 “ a petit Jury of the county where the offence arises ; after which, if the defendant be found
 “ guilty, the Court must be resorted to for his punishment.” Judge Blackstone further adds,
 “ There

“ There can be no doubt but that this mode of
 “ prosecution by information (or suggestion,) filed
 “ on record by the King’s Attorney General, or
 “ by his Coroner, or Master of the Crown-Office,
 “ in the Court of King’s Bench, is as antient as
 “ the common law itself : for as the King was
 “ bound to prosecute, or at least to lend the sanc-
 “ tion of his name to a prosecutor, whenever a
 “ Grand Jury informed him upon their oaths that
 “ there was a sufficient ground for instituting a
 “ criminal suit, so when these his immediate
 “ officers were otherwise sufficiently assured that a
 “ man had committed a gross misdemeanor, either
 “ personally against the King or his Government,
 “ or against the public peace and good order,
 “ they were at liberty, without waiting for any
 “ farther intelligence, to convey that information
 “ to the Court of King’s Bench, by a suggestion
 “ on record, and to carry on the prosecution in his
 “ Majesty’s name. But these informations (of
 “ every kind) are confined by the constitutional
 “ law to mere misdemeanors only, for wherever
 “ any capital offence is charged, the same law re-
 “ quires that the accusation be warranted by the
 “ oath of twelve men, before the party shall be
 “ put to answer it. And as to those offences in
 “ which informations were allowed as well as in-
 “ dictments, so long as they were confined to this
 “ high and respectable jurisdiction, and were car-
 “ ried on in a legal and regular course in his Ma-
 “ jesty’s Court of King’s Bench, the subject had
 “ no reason to complain.”

No man can have reason to complain if brought
 to an immediate trial without waiting for the accu-
 sation being found by the Grand Jury, and that
 was the way I understood I ought to have been
 tried ; and I want to know whether the court has
 winked

winked at the manner of the Attorney General's going out of the mode of prosecuting it; for if the Court countenances the Attorney General in prosecuting in a way that states the offence to be so great that a person must be prosecuted immediately, without waiting for a veri-similitude of being found by a Grand Jury to be put upon trial by their Peers, for if the Judges agree to that, that Grand Juries should be entirely left off in this country, as they have done in Botany-Bay, where there is no previous finding at all; the men are brought to trials there by the military, but here if they are brought to a civil tribunal out of the common form I am sure a Judge of your Lordship's character will not countenance it, and therefore I want to know at what time it was the Court winked at this prosecution not being brought forward immediately, the offence being so atrocious that there was not time to wait for the finding of a Grand Jury.

“ The same notice was given, the same process was issued, the same pleas were allowed, the same trial by Jury was had, the same judgment was given by the same Judges, as if the prosecution had originally been by indictment; but when the statute 3 Hen. VII. cap. 1. had extended the jurisdiction of the Court of Star-Chamber, the members of which were the sole Judges of the law, the fact, and the penalty.”

Here is another thing I have heard, that you hold this doctrine, this pernicious doctrine, that the Jury are not the Judges whether the libel is scandalous, false, and seditious, but that the Jury are only to judge whether the facts are proved or not: that does not relate to my case; I only give Mr. Justice Buller this opportunity in his charge to the Jury, to say whether the Jury are not also
the

the Judges whether the libel is false, scandalous, and seditious, or whether the Jury are merely confined to say whether the facts stated are proved or not, because I hold, and Mr. Erskine, and some of the Judges, Judge Gould I believe, holds, that the Jury are to judge whether the libel itself is false, scandalous, and seditious, as well as whether the libel is proved to be published by the person. I hold it to be necessary to prove that: but I only mention this because I have a perfect opinion of Mr. Justice Buller's integrity; I have no doubt about his being a man of integrity as well as of penetration and discernment.

“ And when the statute 11 Hen. VII. cap. 3,
 “ had permitted informations to be brought by
 “ any informer upon any penal statute not ex-
 “ tending to life or member, at the Assizes, or
 “ before the Justices of the Peace, who were to
 “ hear and determine the same according to their
 “ own discretion, then it was that the legal and
 “ orderly jurisdiction of the Court of King's Bench
 “ fell into disuse and oblivion; and Empson and
 “ Dudley (the wicked instruments of King Hen-
 “ ry VII.) by hunting out obsolete penalties, and
 “ this tyrannical mode of prosecution, with other
 “ oppressive devices, continually harrassed the sub-
 “ ject, and shamefully enriched the crown. The
 “ latter of these acts was soon indeed repealed by
 “ statute 1 Hen. VIII. cap. 6. but the Court of
 “ Star-Chamber continued in high vigour, and
 “ daily increasing it's authority, for more than a
 “ century longer, till finally abolished by statute
 “ 16 Car. I. cap. 10.”

This practice was entirely put an end to in this illegal method by Empson and Dudley at the time of the Revolution, but the power is still in the constitution to proceed summarily in this manner,
 having

having the whole course of the laws and constitution upon their side ; but then they must do it quickly, agreeable to the method of the prosecution. Now they have taken the method of prosecution long and harrassing to me for ten months together, without taking the matter of the prosecution which is to bring it to an immediate trial : because if a man is taken up to be tried without any previous finding by a jury, it is a comfort to him he is tried directly upon it ; whereas if you give it a verisimilitude to an accusation by a Grand Jury, then you take the ordinary course of trial ; but this is a summary proceeding lodged in the executive government, which upon great occasions, such as the Attorney-General has stated mine to be, but which it is not, where a man had an intention to overturn the Government, and that if he was not taken into custody immediately, the Government was gone. Now they should prove that I did stir up the people, that I did prevent the Botany Bay scheme being carried into execution. Now I did nothing more than state upon paper such terms, wishing them to come into consideration, as Judge Gould and the Recorder wished to come under consideration also, that the Penal Laws evidently wanted alteration ; which is proved by the Parliament and the Judges drawing up this new act to send them to Botany Bay.

I do not know that I shall trouble the Court with any thing farther, because, to speak the truth, I have not a paper.—I meant if I had time, to bring my books with me to prove that every word of that pamphlet is in the Bible, and that it is consistent with the sentiments of the most humane and best-hearted men now—such as Judge Gould and the Recorder,—to have an alteration

D

made

made in the felony laws ; but what that alteration is, is left as the Judges and the people stand at present to the wisdom of Parliament ; for by the laws, as they now stand, if a person steals a shilling, and the fact is proved, the sentence is invariably death.

I should have made a much better defence, if I had had leave to subpoena my witnesses ; and should also have shewn you something about the New Gaol, which would have surprised you : that when these gentlemen, these wicked gentlemen, wicked, false, scandalous defamers—when they wanted to prove this business upon me, and thought there was a deal of crime in it, an art they practised at Mr. Clark's the King's messenger in Mount-row : all these people were to be summoned as witnesses. I shall give a short account ; the Jury, perhaps, will believe what I say. Mr. Clark, the King's messenger, sent for Richard Hicks, at the New Inn at Westminster-Bridge ; he is a poor man. When he came to him, he gave him a letter to Lord George Gordon, Welbeck-street, and told him to carry that letter to Lord George, and deliver it into his own hand ; and tell Lord George that he came from the New Gaol in the Borough, from the prisoners, and that he was to get copies of this petition, as many as his Lordship could spare, and bring them back to the prisoners in the Borough. I opened the letter ; it was a forged letter—I went to Justice Bond the day afterwards in Bow-street—it was a forged letter, saying, ‘ We your Lordship's friends and admirers, &c. the prisoners in the New Gaol in the Borough, having heard of a petition—so and so—do request of your Lordship to send so many by the bearer, who is a trusty person.’

Upon

Upon reading the paper it came into my heart immediately, that this was some falsehood, for I had no acquaintance with any prisoner at all in the Borough. I sent for the man up stairs. When he came up, I began questioning him who gave him that letter, and who he came from. He began trembling, and was much frightened. I rang for the maid-servant to come up stairs. When she came into the room, and the man servant too, I bid the man not to be frightened, but tell the whole truth. He said, To tell the truth, Mr. Clark the King's messenger sent for me to his house to give you this letter, and say, I came from the prisoners in the New Gaol; and when I have got the petitions I am to go back to the One Tun in One Tun Court, and ask for Captain Macdonald, and deliver the petitions to him. —So then you did not come from the New Gaol? —No, I did not, says he.—Nor are you to carry them back again there?—He said no; but to Captain Macdonald. I said I would go with him there. I went with him: it is a very blackguard house, known to all the Public Offices, where the King's servants meet with the people they want to bring Informations against. I went up to the front room, and asked for Captain Macdonald. Immediately the woman of the house shewed me into a back room. When I came to the door of the back room, a person came out—Who wants Captain Macdonald? I said, I want him. Is your name Macdonald? He said no; his name was not Macdonald, it was Hamilton: he went by a false name. There were four or five people in the room. I asked the man, Is this the company you were to come to? Yes, says he, and there sits the King's messenger. Clark was in the company, William Drummond, Esq. was in the

company, and two or three more. Some would give me their names, and some would not : but the King's messenger refused to give me his name, and denied he was of that name, though the people of the house knew him.

I went next day to Bow-street to Justice Bond : he said there was no occasion to take notice of it : he said he had heard of that Clark, that he was an infamous man.

Clark hired two men to follow me constantly, well-dressed people, to follow me every where ; if I went into a coffee-house, to go into the coffee-house ; if I took a coach, to take a coach and follow me ; to live at the public-house opposite to me, and to make written accounts every day, and carry them to the Treasury at night, and particularly to mark what officers pulled off their hats to me ; to mark down every man's name that came into my house, or out of it ; where I went to, and how long I stayed. Mr. Nepean, a clerk of the Treasury, paid them, and Lord Sydney had the management of it. If their accounts were not full enough, they were told, You must be more particular, it must be every hour.—There were a variety upon me ; they used to relieve one another.

This man, King, came to me in the summer after he had been employed. He said, My Lord, my heart is so full I can no longer bear to conceal it from you. I was employed with another man in the winter. I am surprised you never saw us, we used to follow you in the street, and into every coffee-house. I was paid by Clark of the Treasury ; and was turned off for not being particular enough in this business, of relating who spoke to you, pulled off their hats to you, and the houses you went into.

I state

I state this to shew how they tried to get evidence of my delivering this to the Keeper of the New Prison. You would have had all these people before you, if I had not been interrupted in serving my subpoenas. I was interrupted and taken into custody by the guards, when offering to subpoena the Marquis of Carmarthen. I was soon ordered to be let go, and the Marquis said he would meet me at his father's at five o'clock; and begged I would not make a disturbance at St. James's. At five o'clock I saw the Marquis, and he assured me every thing should be done, and that he could bring that letter from the French Ambassador to me upon the other Information.

And here I beg his Lordship will by-and-by tell me what is to become of the first Information? The same jury is to try them both; and I don't understand they mean to bring on the first; for they cannot bring it on till these witnesses come; and the jury cannot sit and do justice in that case.

I have nothing further to say, gentlemen, than to shew that they wish by every art and every means to make me a publisher in a seditious manner in the New Gaol; but I did not comply with any such thing: but as I meant nothing but that the law in that case might be corrected, which you see was in the heart of the King and his Parliament, as they have made an alteration in the law with respect to the people that were condemned.

I sent some of these pamphlets to the Judges as soon as they were wrote, to the heads the Keepers of the gaols, and the Minister of the gaol, without any view to raise sedition and tumult among the people: if I had, I would have gone

on the day of the execution, and told the people, when he was confessing them, and telling them that it was just and conformable to God's law, I would have told them it was no such thing, if that had been my intention ; but I hope as they have made an act to send these people to Botany Bay, that there will be some means devised by the Legislature to alter the laws of theft in this country.

I can make no better defence now, because my witnesses are not present ; and therefore you must take it upon my word what I say relative to this business ; what Judge Gould and the Recorder said in December ;—and this petition was not printed till this year.—There is not the smallest connection with any of the prisoners that are mentioned as condemned with me ; or that I had any particular connection with them, only that there were such prisoners condemned to death and transportation for thefts ; and that his Majesty and the Parliament had altered their punishments just as much as I wished to alter them by that act.

There is a word left out in the recital part in the record, but I don't mean to pin my defence upon any thing of that kind.

Court. If there is any thing you think material, point it out to me, and I will look at it.

Lord George Gordon. 'Having no hope without God in the world'—it should be, 'Having no hope and without God in the world : '—it is a thing I don't pin much upon ; it is right in the printed pamphlet.

Court. I have examined it, it is a mistake in the copy—it is right in the record.

SUMMING

S U M M I N G U P.

C O U R T.

Gentlemen of the Jury,

THIS is an Information which has been filed against the defendant for a libel—the libel has been read to you—there are two questions upon the record for your determination.

First, Whether the defendant either wrote and composed, or printed and published this libel? and

Secondly, Whether the averments that are made on the part of the Crown in this record, are proved to your satisfaction or not?

With respect to the first question, it has been proved by John Pitt, that he received three of the pamphlets about the month of December, but he cannot tell the exact day, from Lord George Gordon's servant: that my Lord George Gordon frequently came into the Lodge at Newgate; that he was there six times at least before the pamphlets were brought. He asked the witness, whether he did not think it hard that so many persons should suffer; and that no man ought to suffer, who had not spilt blood. He says the defendant sent three pamphlets; one directed to him, one to his brother the turnkey, and one to Mr. Vilette, the Ordinary.

Then he produces that which was directed to him; and he says the direction is in Lord George Gordon's hand-writing. He says the defendant often wanted to go in to the condemned people, but the witness refused it.

On the 26th of January he went to the defendant's house; the same footman opened the door to him as brought the pamphlets. The witness went up stairs, and he told the defendant, that there was a sad piece of work about these pamphlets; upon which the defendant said, "Don't you mind—let them go on—I am ready for them, let them begin as soon as they will." He says at that time there was a large part of the pamphlets lying in the room. The defendant took up one, directed it to Mr. Akerman, and delivered it to the witness. He produces two other papers, both of which, he says, were directed by Lord George Gordon. One is that pamphlet which he directed to Mr. Akerman; the other is a note mentioning the names of the persons who were to disperse the pamphlets.

Mr. Akerman says, that previous to the publication of the paper, there was a general understanding, that the prisoners were to be sent to Botany-Bay.

They then produced records of several convictions, some sentenced to death, others to transportation, both in London, Middlesex, and Surry.

Mr. Akerman says the defendant had no connection with these prisoners as he knows of.

Hall, who is the Keeper of the New-Gaol, says, William Yardley and John Christmas were in his custody. He says he does not know the defendant; the defendant never sent any of these petitions to him, or his prisoners as he knows of.

The defendant has said, that there is no evidence of his having actually written this pamphlet; at the same time he tells you he did write it, for he committed his thoughts upon paper.

If you see any reason to distinguish between writing and composing, and the printing and publishing,

ing, you will say so ; for there are different counts, some for writing and composing, and others for printing and publishing. You find a large parcel of the pamphlets were all together in his custody, and in his room.

When you have disposed of that fact, the only one that remains is, whether the averments in this Information are proved or not.

Now the Information sets out with stating, that it was generally understood, that the King was about to cause to be transported several felons and other offenders liable to be transported to Botany-Bay.—To prove that they call Mr. Akerman, who tells you the fact was so understood.

The second averment in the Information is, that divers persons were confined in divers gaols under sentence of death and transportation. To prove that fact, they produce several copies of convictions ; and they call Mr. Akerman and Mr. Hall, who tell you, that the prisoners whose names are mentioned in those convictions, then continued in their custody.

The defendant, upon his cross-examination of the witnesses, desired particularly to know whether he had any connection with either of those prisoners whose names are mentioned in the copies of the records of conviction : it is not stated that he has. The charge is not that he entered into any combination with those particular persons, but it is laid as a general offence, not confined to those particular persons ; and therefore that observation does not apply at all to the case.

If therefore the offence is proved to your satisfaction, you will find the defendant guilty ; if not, you will acquit him.

There are two or three inuendos hardly worthy of observation, viz. whether *us* and *our*, mentioned

tioned in the petition purporting to be sent by the prisoners, means the prisoners. And whether, where it speaks of the bloody hue of the felony laws, and the frequent executions in this reign under a nominal administration of justice, it is meant to insinuate that justice had not been truly administered during the King's reign.

The Jury immediately pronounced the Defendant
GUILTY.

THE

THE
T R I A L
OF
THOMAS WILKINS
FOR
PRINTING and PUBLISHING the FOREGOING
LIBEL.

The Information was opened by Mr. LAW.

MR. ATTORNEY-GENERAL.

MAY it please your Lordship, and you Gentlemen of the Jury :

I don't know, Gentlemen, whether you were present at the last trial ; if you were, it might save some time in stating the nature of the libel, for the publication of which the present Information is filed. As possibly you may have been absent, I must state over again shortly what I stated then ; namely, that this is an Information against the defendant for publishing a pamphlet, charged to be a libel upon the administration of justice in this kingdom. It purports to be a petition from the prisoners to Lord George Gordon, though in fact it was written by himself. It alledges, apparently from the mouths of the prisoners, who were unfortunately then labouring under sentences of death and transportation, that their respective sentences

tences were unjust and iniquitous; and it calls upon his Lordship to protect them from the execution of the sentences of the law, to which their crimes had subjected them.

So great a noise prevailed when my learned friend who opened the cause was stating the Information, that perhaps you might not be able to hear it accurately. The pamphlet is called, "The Prisoners Petition to the Right Honorable Lord George Gordon to preserve their Rights and Liberties, and prevent their Banishment to Botany-Bay. London: Printed by Thomas Wilkins, No. 23, Aldermanbury;" who is the present unfortunate defendant.

I think it is pretty plain with what view this was published. To talk of its being a discussion of the propriety of the laws of England, addressed to those who have only the right to alter them, is contrary to the fact: it appears in the shape of a petition addressed from the prisoners themselves, and is sold at a public shop. The very fact refutes the defence which might have been, and which was just now insisted upon by the Noble Lord.

In short, Gentlemen, the question you have to try is—Whether the present unfortunate defendant has or has not in this case been made the instrument of publishing a libel of a most gross and malignant tendency? He is not the casual seller, (though he would then certainly in point of law, and necessarily in point of justice, be subjected to the same consequences as the original publisher) but he is the person who was employed by the Noble Lord whose trial has just passed, to print this, and to sell it to all his Majesty's subjects who thought it worth while to give sixpence for it.—I hope he had not much custom.

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The Noble Lord, the author of it, has been convicted. This poor man (for I dare say he is so) has been made his instrument in the publication of it. It is absolutely necessary that the printers or publishers of libels should be brought to punishment, or else these publications can never be put a stop to; for there may always be found men wicked enough to write, and rash enough to run the risque which they do by such publications as these, if they can find instruments to vend them. And if there are men so misled by them as to be their instruments, it is my duty, in the situation I am in, to make an example of such persons; because it is the only means to prevent rash men from disseminating sedition among the people.

This pamphlet asserts that justice has not been administered during his Majesty's reign; that every infliction of capital punishment, nay even of banishment, is totally illegal, and contrary to the laws of God. I know of no laws that forbid it; but I know that in the Mosaic law capital punishments were inflicted for other crimes than murder: however, that consideration has nothing to do in this cause. If there are men who think the laws of this country are intolerable, for God's sake let them remove to another; but so long as they are here, they must be subject to the laws; and those who have the administration of the laws must be protected from the insults which are daily offered them: and in this pamphlet, more notoriously than in any that I can remember, the laws are arraigned, and the criminals under sentence of death are called upon (for, as I said before, it is no petition of the prisoners) to complain of the justice of their sentences, which every honest, wise, and just, as well as truly pious,

pious, man would advise them to submit to with resignation, as the only expiation they can make to the offended laws of their country.

It is unnecessary for me, addressing myself to Gentlemen of your character in a commercial country, to take up your time in shewing the absurdity of such a law as is contended for in this pamphlet; it is perfectly ridiculous, and no Government could exist in this country if that were the law.

I shall prove to you that it was in contemplation to transport to Botany-Bay persons liable to transportation, and that at that time this pamphlet was printed and published by the defendant, who has put his name to it.

EVIDENCE FOR THE CROWN.

JOHN BOLTS *sworn.*

Examined by Mr. SOLICITOR-GENERAL.

Q. Do you know the defendant Thomas Wilkins?

A. Yes.

Q. Do you know his house?

A. Yes.

Q. Have you been there?

A. I have.

Q. What business does he carry on?

A. A printer.

Q. Where does he live?

A. At the next house to the George Inn, Aldermanbury.

Q. Were you there upon the 8th of January last?

A. I was.

Q. Did you buy any pamphlet there?

A. I did.

Q. Was

Q. Was that the one you purchased (*shewing the witness a pamphlet*) ?

A. It was.

(*The pamphlet read.*)

Mr. Joseph Roberts produced office-copies of the records of the conviction of several persons who were confined in Newgate and in the New Gaol.

They were read by the Associate, and were,

An office-copy of the record of the conviction of James Watts and Francis Hardy, for a highway robbery in the county of Middlesex, who both received sentence of death.

An office-copy of the record of the conviction of Hugh Macdonald, for shop-lifting in the county of Middlesex, who received sentence of death.

An office-copy of the record of the conviction of Charles King and Thomas Thompson, for a burglary in the city of London, who received sentence of death.

An office-copy of the record of the conviction of John Christmas, for felony in the county of Surry, who received sentence of transportation for seven years.

An office-copy of the record of the conviction of William Yardley, for felony in the county of Surry, who received sentence of transportation for seven years.

JOHN PITT *sworn.*

Examined by Mr. BALDWIN.

Q. You are the Turnkey at Newgate?

A. Yes.

Q. Did you know James Watts, Francis Hardy, Hugh Macdonald, Charles King, and Thomas Thompson?

A. Yes, all of them,

Q. Were

Q. Were they in Newgate in January last?

A. They were—they are there now : they are under respites.

Q. Where did you understand the transports were to be sent to at that time?

A. To Botany-Bay.

Mr. HALL sworn.

Examined by Mr. LAW.

Q. You are the Keeper of the New Gaol?

A. I am.

Q. Were John Christmas and William Yardley in your custody in January last?

A. They were.

Q. Were they under any sentence?

A. Yes, sentence of transportation : they were tried the March before.

COURT (*to the Defendant*). Have you any Counsel?

Defendant. I have no Counsel.

Court. Will you say any thing for yourself?

Defendant. Yes.

THOMAS WILKINS.

Gentlemen of the Jury,

IN December last, my Lord George Gordon sent a copy of these pamphlets to my house to be printed. I never read it myself before it was absolutely printed ; for we had it in detached pieces, and as I had printed things for my Lord before. When I saw his Lordship respecting this business, I asked him if it was of any evil tendency. He said, none at all ; and told me not to be frightened,
for

for that he would indemnify me, whatever evil should accrue from it. I was rather fearful when I read the proof respecting the prisoners petition: I did not know, nor I do not know now to the contrary, but that it came directly from the prisoners. As to publishing it, I never published it myself at all; and I understood from my servants, that only two went out of the house, except what were sent to my Lord. Had I had the least idea that it was of an evil tendency, that I could come to any harm respecting the business, it is not reasonable that I should risque my liberty, as well as my property, in receiving a sum of perhaps four, five, or six pounds, which is about the expence of print and paper; therefore what has been in the public prints already respecting the business has been of great evil to me.

My creditors supposed that I should be cast in this business, and perhaps inflicted with a large fine, and perhaps imprisonment. Various of them have come and demanded their dues before the regular time of credit, which has greatly hurt me. And as I only printed this pamphlet as a printer, without having any concern at all with sending it about, or being connected with my Lord, whether it was from a good or an evil intent I cannot say; and if a man in his business which he gets his bread by, is to be punished for printing, what is to become of our families? Parochial and government taxes are so great, that if we were to say, We won't print this, and won't print the other, we might starve.

I see no evil tendency at all in it myself. I do not pretend to know law, or any thing of the matter; but I did it for my Lord, and he promised to indemnify me, whatever evil might accrue from it; and that is all I can say in my defence.

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I do

I do not know that it is of any avail; but in the Information it is said for printing and publishing in the parish of St. Mary le Bow, in the Ward of Cheap; whereas I live in Aldermanbury, and in the Ward of Cripplegate. I must leave it to the discretion of the Jury.

S U M M I N G U P.
C O U R T.

Gentlemen of the Jury,

THIS defendant has made one objection in point of form. I will dismiss that first.

The Information states, that he lives in the parish of St. Mary le Bow, in the Ward of Cheap, whereas he lives in some other parish or ward: that is perfectly immaterial. If he printed it any where in the City of London, that is enough, and it is proved he did so.

On the part of the prosecution they have proved, that the paper produced was bought at the defendant's shop.

They have called Pitt and another witness, who prove that it was expected at that time that the prisoners would be transported to Botany-Bay. They likewise proved, that several prisoners were under conviction for transportation, some in Middlesex, some in London, and some in Surrey. As to the inuendoes, they infer that *us* and *our* means the prisoners. It concludes with saying, that by the words "we look with concern and abhorrence on the bloody hue of the felony laws, and the frequent executions in England in this reign,

reign, under a nominal administration of justice," be meant that justice had not been truly administered in England during his Majesty's reign.

Respecting the defence, you will not expect any observations from me ; for it goes to give a general licence to printers to print whatever they may think proper ; which cannot be endured in this or in any other country.

The Jury immediately pronounced the defendant
GUILTY.

THE
T R I A L
OF
GEORGE GORDON, Esquire,
COMMONLY CALLED
Lord GEORGE GORDON.

THE INFORMATION.

*Of MICHAELMAS TERM, in the Twenty-seventh
Year of the Reign of King GEORGE the Third.*

London, } **B**E it remembered, That Richard
to wit, } Pepper Arden, Esquire, Attorney-
General of our Sovereign Lord the now King,
who for our said Lord the King in this behalf
prosecutes in his own proper person, comes here
into the court of our said Lord the King, before
the King himself, at Westminster, on Tuesday
next after fifteen days from the day of St. Martin
in this same term, and for our said Lord the King
gives the Court here to understand and be in-
formed,

formed, That whereas there now is, and before and at the time of the publishing of the false, scandalous, malicious, and defamatory libels herein-after mentioned, there subsisted between our said Sovereign Lord the King and his Most Christian Majesty, and the subjects of their said Majesties respectively, great friendship, amity, peace, and concord : And whereas the most high, mighty, and puissant Princess Maria Antonietta, the august and Royal Consort of his said Most Christian Majesty, hath always from the time of her birth hitherto been a great and illustrious Princess, eminently distinguished and renowned for her wisdom, prudence, justice, clemency, and every other princely virtue and endowment : And whereas before and at the time of the publishing of the said false, scandalous, malicious, and defamatory libels herein-after mentioned, François Bartheleny was and still is charged with the affairs of France with his Britannick Majesty, in the absence of his Excellency Jean Balthazar D'Adhemar, his Most Christian Majesty's Ambassador Extraordinary and Plenipotentiary to his Britannick Majesty, and was, and is, and always hath been, from the time of his birth hitherto, of good fame, character, and reputation : Yet George Gordon, late of London, Esquire, commonly called Lord George Gordon, well-knowing the premises, but contriving, and wrongfully, and unjustly and wickedly intending most unjustly, wickedly, maliciously, and scandalously, to asperse, defame, traduce, and vilify her said Most Christian Majesty, and to cause it to be believed that her said Most Christian Majesty had been guilty of great injustice, oppression, cruelty, and persecution towards the subjects of his Most Christian Majesty, and thereby to alienate their affections from his said Most Christian Majesty's

government; and also to asperse, defame, vilify, and traduce the said François Barthelemy, then and there being so charged with the affairs of France as aforesaid, and to bring the said François Barthelemy into great contempt, distrust, infamy, and disgrace; and also as much as in him the said George Gordon lay to interrupt, disturb, and destroy the friendship, good-will, peace, harmony, and concord subsisting between our said Sovereign Lord the King and his Most Christian Majesty, and their said respective subjects; and to create, stir up, and excite animosities, hatred, jealousy, and discord, between our said Lord the King and his subjects, and his said Most Christian Majesty and his subjects; on the twenty-second day of August, in the year of our Lord one thousand seven hundred and eighty-six, at London aforesaid (to wit), in the parish of St. Mary le Bow, in the ward of Cheap, did publish, and did cause and procure to be published, in a certain public news-paper, called The Public Advertiser, a most wicked, false, scandalous, malicious, and defamatory libel, of and concerning her said Most Christian Majesty, and of and concerning the said François Barthelemy, according to the tenor following: (that is to say) Mr. Barthelemy (meaning the said François Barthelemy), who conducts the affairs of France in the absence of Comte Dazimer (meaning the said Jean Balthazar D'Adhemar, the Ambassador as aforesaid), having sent Mr. Daragon with a message to Comte de Cagliostro, in Sloane-street, intimating that he (meaning the said François Barthelemy) had received orders from the Court of Versailles to communicate to Comte de Cagliostro that he (meaning the said Comte de Cagliostro) had now permission to return to France; yesterday morning the Comte (mean-

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ing the said Comte de Cagliostro) accompanied by Lord George Gordon, (meaning the said George Gordon) and Mr. Bergeret de Frouville, waited upon Mr. Barthelemy, (meaning the said Francois Barthelemy) at the Hotel of France in Piccadilly, for an eclarcissement upon the subject of this message from the Court of France, delivered to Mr. Barthelemy, (meaning the said Francois Barthelemy) relative to the permission granted to the Comte de Cagliostro to return to Paris. Mr. Barthelemy (meaning the aforesaid Francis Barthelemy) the Comte de Cambise, and Mr. Daragon, seemed much surprised to see Comte de Cagliostro arrive in Lord George Gordon's (meaning the said George Gordon's) coach with his Lordship (meaning the said George Gordon) and Mr. Frouville; and having expressed their desire that the Comte de Cagliostro alone should speak with Mr. Barthelemy, (meaning the said Francois Barthelemy) they were informed that Lord George Gordon (meaning the said George Gordon) and Mr. Bergeret de Frouville were there on purpose to attend their friend, (meaning the said Comte de Cagliostro) and that the Comte de Cagliostro would not dispense with Lord George Gordon's (meaning the said George Gordon's) absence from the conference. Will any friend to liberty blame Comte de Cagliostro, after ten months imprisonment in a dungeon, for having his (meaning the said Comte de Cagliostro's) friends near him (meaning the said Comte de Cagliostro) when insidious proposals are made to him (meaning the said Comte de Cagliostro) by the faction of Breteuil and the supporters of the Bastile? men who have already fought his (meaning the said Comte de Cagliostro's) destruction; and after his (mean-

ing the said Comte de Cagliostro's) innocence was declared by the judgment of the Parliament of Paris, embezzled a great part of his (meaning the said Comte de Cagliostro's) fortune, and exiled him (meaning the said Comte de Cagliostro) from France. Mr. Barthelemy (meaning the said Francois Barthelemy) seeing the determination of the Comte's (meaning the Comte de Cagliostro's) friends, then read the letter from Mr. Breteuil; but upon the Comte de Cagliostro desiring a copy, Mr. Barthelemy (meaning the said Francois Barthelemy) refused it. A great deal of conversation then ensued upon the subject, which, in all probability, will give rise to a full representation to the King of France, who is certainly very much imposed on. The Queen's (meaning her said Most Christian Majesty's) party is still violent against Comte de Cagliostro, the friend of mankind; and De Breteuil, Le Sieur de Launey, Titon, De Brunieres, Maitre-Chefnon, Barthelemy (meaning the said Francois Barthelemy) and Dazimer (meaning the said Jean Balthazar D'Adhemar) are the mere instruments of that faction. The honour of the King of France, the justice and judgment of the Parliament of Paris, the good faith of the citizens, and the good name of the nation, are all attainted by the pillage and detention of the property of Comte de Cagliostro. The thousands of good citizens whose acclamations shook the Bastille upon the declaration of his (meaning the said Comte de Cagliostro's) innocence, might very possibly give rise to his (meaning the said Comte de Cagliostro's) exile, by increasing the jealousy and fear of an arbitrary Government. But why detain the fortune of a stranger, after his (meaning the said Comte de Cagliostro's) innocence

cence is declared? This is a very base proceeding indeed, Mr. de Breteuil, and brings contempt and reproach upon all concerned in it—to the great indignity, scandal, and dishonour of her said Most Christian Majesty; to the great infamy and disgrace of the said Francois Barthelemy; to the great disturbance of the public peace, good order, and government of this kingdom; to the great danger of creating discord between our said Lord the King and his subjects, and his Most Christian Majesty and his subjects; in contempt of our said Lord the King and his laws; to the evil and pernicious example of all others in the like case offending; and against the peace of our said Lord the King, his crown, and dignity. And the said Attorney-General of our said Lord the King, who prosecutes as aforesaid, further gives the Court here to understand, and be informed, that the said George Gordon being such person as aforesaid; and not only contriving and intending, as much as in him lay, to offend as aforesaid, but also to cause it to be understood and believed, that her said Most Christian Majesty had been guilty of great injustice, oppression, cruelty, and persecution; and also to bring the said Francois Barthelemy, being so charged with the affairs of France as aforesaid, into great scandal, infamy, and disgrace; afterwards (to wit) on the twenty-fourth day of August, in the said year of our Lord one thousand seven hundred and eighty-six, at London aforesaid, in the parish and ward aforesaid, did unlawfully, wickedly, and maliciously publish, and did cause and procure to be published, in a certain other public newspaper, called the Public Advertiser, a certain other most wicked, scandalous, malicious, and defamatory libel,

bel, of and concerning her said Most Christian Majesty, and the said Francois Barthelemy, according to the tenor following : (that is to say), Count de Cagliostro has declared, (meaning the said Count de Cagliostro) he will hold no intercourse with any of Le Sieur Breteuil's messengers from France, except in the presence of Lord George Gordon, (meaning the said George Gordon). The gang of French spies in London, who are linked in with Monsieur De Morand and the Sieurs Barthelemy, (meaning the said Francois Barthelemy) Dazimer, (meaning the said Jean Balthazar D'Adhemar, the Ambassador as aforesaid) Cambise, and the Queen's (meaning her said Most Christian Majesty's) Bastile party at Paris, are trying the most insidious arts to entrap the Comte (meaning the said Comte de Cagliostro) and Comtesse, (meaning the Comtesse de Cagliostro) and have the effrontery and audaciousness to persecute them (meaning the said Comte de Cagliostro and the said Comtesse de Cagliostro) publicly, and vilify their (meaning the said Comte de Cagliostro's and the said Comtesse de Cagliostro's) characters even in this free country, where these noble strangers are come to seek protection in the arms of a generous people. The friendship and benevolence of Comte de Cagliostro, in advising the poor Prince Louis de Rohan to be upon his (meaning the said Prince Louis de Rohan's) guard against the Comtesse de Valois and the intrigues of the Queen's (meaning her said Most Christian Majesty's) faction, who still seek the destruction of that noble Prince, (meaning the said Prince Louis de Rohan) has brought upon the Comte (meaning the said Comte de Cagliostro) and his (meaning the said Comte de Cagliostro's) amiable Comtess, the
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hateful revenge and perfidious cruelties of a tyrannical Government (meaning the Government of his said Most Christian Majesty). The story of the diamonds has never been properly explained to the public in France : it would discover too much of the base arts practised to destroy Prince Louis, (meaning the said Prince Louis de Rohan) and involve in guilt persons not safe to name in an arbitrary kingdom ;—to the great indignity, scandal, and dishonour of her said Most Christian Majesty ; to the great infamy and disgrace of the said Francois Barthelemy, he the said Francois Barthelemy then and there being charged with the affairs of France as aforesaid ; to the great disturbance of the public peace, good order, and government of this kingdom ; to the great danger of creating discord between our said Lord the King and his subjects, and his said Most Christian Majesty and his subjects ; in contempt of our said Lord the King and his laws ; to the evil and pernicious example of all others in the like case offending ; and against the peace of our said Lord the King, his crown, and dignity. And the said Attorney-General of our said Lord the King, who prosecutes for our said Lord the King, gives the Court of our said Lord the King, before the King himself here, further to understand, and be informed, that the said George Gordon being such person as aforesaid ; and not only contriving and intending as much as in him lay to offend as aforesaid, but also to cause it to be understood and believed, that her said Most Christian Majesty had been guilty of great injustice, oppression, cruelty, and persecution ; and also to bring the said Francois Barthelemy into great scandal, infamy and disgrace ; afterwards, to wit, on the said twenty-second

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the said George Gordon's) coach, with his Lordship (meaning the said George Gordon) and Mr. Frouville; and having expressed their desire that the Comte de Cagliostro alone should speak with Mr. Barthelemy (meaning the said Francois Barthelemy), they were informed that Lord George Gordon (meaning the said George Gordon) and Mr. Bergeret de Frouville were there on purpose to attend their friend, (meaning the said Comte de Cagliostro) and that the Comte de Cagliostro would not dispense with Lord George Gordon's (meaning the said George Gordon's) absence from the conference. Will any friend to liberty blame Comte de Cagliostro, after ten months imprisonment in a dungeon, for having his (meaning the said Comte de Cagliostro's) friends near him, (meaning the said Comte de Cagliostro) when insidious proposals are made to him (meaning the said Comte de Cagliostro) by the faction of Breteuil, and the supporters of the Bastile? men who have already sought his (meaning the said Comte de Cagliostro's) destruction; and after his (meaning the said Comte de Cagliostro's) innocence was declared by the judgment of the Parliament of Paris, embezzled a great part of his (meaning the said Comte de Cagliostro's) fortune, and exiled him (meaning the said Comte de Cagliostro) from France. Mr. Barthelemy (meaning the said Francois Barthelemy) seeing the determination of the Comte's (meaning the said Comte de Cagliostro's) friends, then read the letter from Mr. Breteuil; but upon the Comte de Cagliostro desiring a copy, Mr. Barthelemy (meaning the said Francois Barthelemy) refused it. A great deal of conversation then ensued upon the subject, which in all probability will give rise to a full representation to the
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tempt of our said Lord the King and his laws; to the evil example of all others in the like case offending; and against the peace of our said Lord the now King, his crown and dignity. Whereupon the said Attorney-General of our said Lord the King, who for our said Lord the King in this behalf prosecuteth, for our said Lord the King prayeth the consideration of the Court here, in the premises; and that due process of law may be awarded against him the said George Gordon, commonly called Lord George Gordon; to make him answer to our said Lord the King touching and concerning the premises aforesaid.

The Information was opened by Mr. LAW.

MR. ATTORNEY-GENERAL.

MAY it please your Lordship, and you Gentlemen of the Jury:

This is an information against Lord George Gordon, for an offence for which, I believe, not many Informations have been filed; but it is for an offence which as much concerns the peace of this country as any which can possibly be stated: and, indeed, it is absolutely necessary such an offence should be prevented; for the consequences of its prevailing must be, that no man whatever can be sent upon a public embassy to the British Court, without being liable, as they have for months past been, to be insulted and vilified in the public papers of that nation in which they sustain the character of a Sovereign in amity with us.

Gentlemen, it is called the French Information. I suppose something is meant by these words, as if it was not an English Information.

I, as his Majesty's Attorney-General, in the prosecution of a duty incumbent on me, have brought this Information before you for an offence described by the learned Judge, in the book

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that has been quoted by the defendant upon the former Information, as most materially and immediately affecting the King's Government and his Honor.

Gentlemen, the Information charges, that at the time this libel was published in the Public Advertiser, there did exist (as we all know there did) a peace and amity between the two Courts of Great Britain and France.—That Monsieur Barthelemy, in the absence of the Count D'Adhemar, the Ambassador from France, was charged with the affairs of that Court, and, in his absence, filled in every respect the character of the French Minister.—That, being in that situation, the Noble Lord, the defendant, thought fit in a public newspaper, circulated about this town, to cause to be published the subject of this Information.—It is a publication which could not possibly have any other effect in an English newspaper, but that of vilifying the high persons mentioned, without one possible good effect that could arise from it.

It is astonishing how any person in the noble Lord's situation, should think himself justified in going so much out of the way, as, amongst other of his writings, to fix upon a foreign Minister, resident at this Court, as a proper object to level his insidious attacks upon.

The French Ambassador had submitted a considerable time to these sort of insults, which, I am sorry to say it has been said, must be submitted to in England. It was submitted to till it could be borne no longer; and no person will serve any foreign Prince, in the character of an Ambassador to this country, if he is to be attacked in this manner by any man who chuses to vilify him. I am sure no good man would wish that such should be the character of the English nation. I need not state
more

more than this to shew, that if there is any person who has particularly a right to be protected from scandal, it is one, who, coming from his country in a public character, resides here for the purpose of transacting the affairs of his own Court.

The Noble Lord, the defendant, has complained of the lapse of time before these Informations were filed.

The Information which has been tried, was filed immediately upon the publication's being found out. I did not lose a moment. As soon as I could put the charge upon parchment, and have it compared carefully with the libel, which you know is necessary, it was filed—it was filed of the same term.

With respect to the present publication, the French Minister having suffered a great deal of scandal and insult from the Noble Lord, who pestered him continually with his visits, he saw himself at last most grossly attacked in the Public Advertiser—the Queen of France, and the French Minister, accused of that which could be calculated for no other purpose than venting the Noble Lord's malice, or the malice of some other person.

This being the case, the French Minister would have taken upon himself to prosecute the defendant; but when Government knew how much it affected the mind of the high and honourable person whom it concerned, it would have been a shabby part indeed, in Government, to have suffered a Foreign Minister to come here as a private prosecutor, to protect himself against the attack of a British subject, appearing publicly at noon-day and avowing it.

Mr. Woodfall, the printer of the newspaper, having been sent to, he gave up Lord George Gordon as the author of the libel: I believe he did so with his Lordship's permission; for I will

say for the Noble Lord, that he appears very openly to avow what he does. How far that extenuates the offence, will be for consideration in another place. The consequence of Mr. Woodfall's giving up Lord George Gordon as the author is, that he is not brought before you.

I confess I should, if I could possibly have got evidence to have affected both, have prosecuted Mr. Woodfall as well as the Noble Lord, because if I could prevent the publication, I should prevent the offence; but Mr. Woodfall having immediately given up the author, it would not, after having made use of him as a witness, have been a proper thing to have prosecuted him.

You perceive, Gentlemen, that this is a very delicate thing; and the only objection that I know of to bringing forward this prosecution is, that it gives a man an opportunity to be insolent once more, if he thinks fit; but I cannot, as his Majesty's Attorney-general, sit still and see a foreign Minister abused from day to day in a public newspaper, without exerting that power which is put into my hands only to be used in the prosecution of great offences, but more particularly those which concern his Majesty's Government.

The facts are these: The Noble Lord (the defendant) thought fit to attend Comte de Cagliostro to the French Minister, Monsieur Barthelemy, (Comte D'Adhemar being absent) who had a letter to communicate to Comte de Cagliostro relative to his return to France: he there introduced himself into a conversation between the French Minister and Comte de Cagliostro. The Noble Lord, the next morning, causes to be published in the newspaper this libel.

“ YESTERDAY morning the Comte de Cagliostro, accompanied by Lord George Gordon and
Mr.

Mr. Bergeret de Frouville, waited on Mr. Barthelemy, at the Hotel of France, in Piccadilly, for an eclarcissement upon the subject of this message from the Court of France delivered by Mr. Barthelemy, relating to the permission granted to the Comte de Cagliostro to return to Paris. Mr. Barthelemy, the Comte de Cambrise, and Mr. Daragon, seemed much surprized to see Comte de Cagliostro arrive in Lord George Gordon's coach with his Lordship and Mr. Frouville.—No wonder that they did : I dare say it caused great surprize to the French Ambassador to see the Comte de Cagliostro, who came to him upon a message from his Court, come accompanied with Lord George Gordon.—“ And having expressed their desire that the Comte de Cagliostro alone should speak with Mr. Barthelemy, they were informed that Lord George Gordon and Mr. Bergeret de Frouville were there on purpose to attend their friend, and that the Comte de Cagliostro would not dispense with Lord George Gordon's absence from the conference. Will any friend to liberty blame Comte de Cagliostro, after ten months imprisonment in a dungeon, for having his friends near him, when insidious proposals were made to him by the faction of Breteuil, and the supporters of the Bastile ? men who have already sought his destruction, and, after his innocence was declared by the Parliament of Paris, embezzled a great part of his fortune, and exiled him from France. Mr. Barthelemy (seeing the determination of the Comte's friends) then read the letter from Mr. Breteuil ; but upon the Comte de Cagliostro desiring a copy, Mr. Barthelemy refused it. A great deal of conversation then ensued on the subject, which in all probability will give rise to a full representation to the

King of France, who is certainly very much imposed on. The Queen's party is still violent against Comte de Cagliostro, the friend of mankind: and de Breteuil—Le Sieur—De Lawney.—Titon.—De Brunieres.—Maitre-Chefnon—Barthelemy—and Dazimer,"—which we alledge to mean De Adhemar, as undoubtedly it does—" are the mere instruments of that faction. The honor of the King of France, the justice and judgment of the Parliament of Paris, the good faith of the citizens, and the good faith of the nation, are all attainted by the pillage and detention of the property of Comte de Cagliostro. The thousands of good citizens whose acclamations shook the Bastile upon the declaration of his innocence, might very possibly give rise to his exile, by increasing the jealousy and fear of an arbitrary Government. But why detain the fortune of a stranger, after his innocence is declared? This is a very base proceeding indeed, Mr. de Breteuil, and brings contempt and reproach upon all concerned in it."

And this, Gentlemen, we alledge to be to the great disturbance of the peace of this country, and to the great scandal of the French Court, and of its Minister resident here. Now there could be no other object in this publication than to cast reflections upon a person sustaining a high character from a foreign Court; for it could be to no purpose to apprize the people of this country of what he supposed were the private wrongs of Comte de Cagliostro. But this not being thought sufficient, in another paper appeared this Libel:

"COMTE DE CAGLIOSTRO has declared he will hold no intercourse with any of Le Sieur's
mes-

messengers from France, except in the presence of Lord George Gordon. The gang of French spies in London, who are linked in with Monsieur De Morand, and the Sieurs Barthelemy, Dazimer, and the Queen's Bastile party at Paris, are trying the most insidious arts to entrap the Comte and Comtesse."

Gentlemen, this is the offence I accuse my Lord George Gordon of, That he has caused to be printed in a public newspaper, a most scandalous libel, grossly reflecting upon high characters; among the rest, that of Monsieur Barthelemy, charged with high offices at the British Court.

Gentlemen, I will not insult your understanding so much, as to suppose you can doubt for a moment the propriety of a prosecution of this nature. I have told you before what must have been the inevitable consequence, if such libels may be published with impunity. The laws of England protect every man's character from reproach. Public appeals cannot be made respecting particular persons with any good intent: this, of all others, is destitute of every defence whatever. A public character demands protection more particularly than one of his Majesty's subjects; and if the same accusation had been made against any one of you, that you were spies in this country, or with those epithets which are bestowed upon Monsieur Barthelemy, you would have a right to appeal to the laws of your country for redress.

It would be below the Minister of France to bring an action against any person: but he had a right to call upon the laws, if there are any, upon his Majesty's officers, if there are any, and a Jury, to vindicate him from those gross aspersions which are the subjects of the present prosecution.

I have no more to do now than to prove this publication by Lord George Gordon, which from his manner and behaviour I suppose he will not deny. When that fact is proved, if you are satisfied that the persons mentioned here mean the persons that the Information states they do; that Monsieur Barthelemy is the person intrusted with the affairs of the French Court; that Dazimer and Dagimer mean Count D'Adhemar, the French Ambassador; then I am satisfied, you will with great chearfulness find the defendant guilty.

EVIDENCE FOR THE CROWN.

JOHN BOLTS *sworn.*

Examined by Mr. SOLICITOR-GENERAL:

Q. Did you purchase these news-papers (*shewing them to the witness*)?

A. I did.

Q. Where did you purchase them?

A. Of Henry Sampson Woodfall.

Q. Where does he live?

A. No. 1, Ivy-Lane.

Mr. HENRY SAMPSON WOODFALL *sworn.*

Examined by Mr. BEARCROFT.

Q. Did you print and publish these two news-papers? (*shewing them to the witness*)

A. I imagine I did.

Q. By whose directions?

A. Lord George Gordon's,

Q. Did

Q. Did you see him or hear from him upon the subject?

A. I heard from him.

Q. In writing I presume?

A. Yes, I did.

Q. Look at these papers. (*the manuscripts of the paragraphs, and two notes from Lord George Gordon.*)

A. These I received from Lord George Gordon.

They were read by the Associate, and were as follow :

“ DEAR SIR,

“ I WILL pay the whole expences of any prosecution against you for articles of intelligence that come from me. We have sufficient proofs of their being spies,—They dare not do any thing.—The time is very critical, and I beg you will look over what is inclosed, and give it publication on Monday.

Your much obliged friend and servant,
Saturday night. G. GORDON.”

To Mr. H. S. Woodfall, *Public Advertiser.*

“ LORD George Gordon having been informed,
“ that very serious consequences were likely to
“ ensue from the publication of the intelligence
“ in Thursday’s paper, speaking of Mr. Barthe-
“ lemy and others as spies—the printer at the
“ time not knowing that Mr. Barthelemy was
“ Charge d’Affaires,—His Lordship has promised
“ to pay all the expences and costs of defending
Mr,

“ Mr. Woodfall, or any other printer, against whatever prosecutions may follow from the insertion of articles in favour of his friend the Comte de Cagliostro.”

Paragraph read from the Public Advertiser.

“ Mr. Barthelemy, who conducts the affairs of France in the absence of Comte Dazimer, having sent Mr. Daragon with a message to Comte de Cagliostro, in Sloane-street, intimating that he had received orders from the Court of Versailles to communicate to Comte de Cagliostro that he had now permission to return to France, yesterday morning the Comte, accompanied by Lord George Gordon and Mr. Bergeret de Frouville, waited upon Mr. Barthelemy at the Hotel of France, in Piccadilly, for an eclaircissement upon the subject of this message from the Court of France, delivered by Mr. Barthelemy, relative to the permission granted to the Comte de Cagliostro to return to Paris. Mr. Barthelemy, the Comte de Cambise, and Mr. Daragon, seemed much surprised to see Comte de Cagliostro arrive in Lord George Gordon's coach, with his Lordship and Mr. Frouville; and having expressed their desire that the Comte de Cagliostro *alone* should speak with Mr. Barthelemy, they were informed that Lord George Gordon and Mr. Bergeret de Frouville were there on purpose to attend their friend, and that the Comte de Cagliostro would not dispense with Lord George Gordon's absence from the conference. Will any friend to liberty blame Comte de Cagliostro, after ten months imprisonment in a dungeon, for having his friends near him, when insidious proposals are made to him by the faction of Breteuil, and the supporters of
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the Bastile? men who have already been his destruction, and, after his innocence was declared by the Parliament of Paris, embezzled a great part of his fortune, and exiled him from France. Mr. Barthelemy, (seeing the determination of the Comte's friends) then read the letter from Mr. Breteuil; but, upon the Comte de Cagliostro desiring a copy, Mr. Barthelemy refused it. A great deal of conversation then ensued upon the subject, which in all probability will give rise to a full representation to the King of France, who is certainly very much imposed on. The Queen's party is still violent against Comte de Cagliostro, the friend of mankind: and de Breteuil—Le Sieur—De Launey—Titon—De Brunieres—Maitre-Chef—non—Barthelemy—and Dazimer, are the mere instruments of that faction. The honour of the King of France, the justice and judgment of the Parliament of Paris, the good faith of the citizens, and the good name of the nation, are all attainted by the pillage and detention of the property of Comte de Cagliostro. The thousands of good citizens whose acclamations shook the Bastile upon the declaration of his innocence, might very possibly give rise to his exile, by increasing the jealousy and fear of an arbitrary Government. But why detain the fortune of a stranger; after his innocence is declared? This is a very base proceeding indeed, Mr. de Breteuil, and brings contempt and reproach upon all concerned in it.

Paragraph read from the Public Advertiser.

“ Comte de Cagliostro has declared he will hold no intercourse with any of Le Sieur Breteuil's messengers from France, except in the presence

presence of Lord George Gordon. The gang of French spies in London, who are linked with Monsieur De Morand, and the Sieurs Barthelemy, Dazimer, Cambise, and the Queen's Bastile party at Paris, are trying the most insidious arts to entrap the Comte and Comtesse, have the effrontery and audaciousness to persecute them publicly, and vilify their characters even in this free country, where these noble strangers are come to seek protection in the arms of a generous people. The friendship and benevolence of Comte de Cagliostro, in advising the poor Prince Louis de Rohan to be upon his guard against the Comtesse de Valois, and the intrigues of the Queen's faction, (who still seek the destruction of that noble Prince) has brought upon the Comte and his amiable Comtesse the hateful revenge and perfidious cruelties of a tyrannical Government. The story of the diamonds has never been properly explained to the public in France. It would discover too much of the base arts practised to destroy Prince Louis, and involve in guilt persons not safe to name in an arbitrary kingdom."

MR. HENRY SAMPSON WOODFALL.

Cross-examined by LORD GEORGE GORDON.

Q. You have known me for some years.—I ask you, where there was any misunderstanding between us relating to any affairs inserted in your paper, Whether I did not always act in this fair manner?

A. Always,

Q. I ask

Q. I ask Mr. Woodfall, as a man of learning, Whether, when he published that in his newspaper, he thought it a Libel?

Court. That is not a proper question.

WILLIAM FRASER, Esq. *sworn.*

Examined by Mr. SOLICITOR-GENERAL.

Q. You are one of his Majesty's Under-Secretaries of State?

A. I am.

Q. What character did the Comte De Adhemar sustain in this country previous to August last?

A. Ambassador from the Court of France.

Q. Was he regularly credented to Lord Carmarthen's Office?

A. He was.

Q. Who became Chargé des Affaires of the Court of France when he went to France?

A. Monsieur Barthelemy. He was regularly introduced to the Secretary of State by the Comte De Adhemar as Chargé des Affaires upon taking leave.

Q. Is that the usual form in which Chargé des Affaires are announced upon Ambassadors taking leave?

A. It is.

Q. And as such he was received?

A. He was.

Q. Did Monsieur Barthelemy correspond with the French Court, and do business at your office?

A. He did business at our office: I suppose therefore he corresponded with the French Court.

WILLIAM FRASER, Esq. *cross-examined by* LORD GEORGE GORDON.

Q. Whether you know the Comte De Adhemar's character in France?

A. That he is Comte De Adhemar in France ; that is all I know of him ; and that he is so in his credentials.

Q. Do you know any thing about his family ?

A. No.

Q. You say he is Comte De Adhemar :—both in writing and printing it is put Dazimer.—Did you receive a letter from me to deliver to the King ?

A. I know nothing of it.

Q. Did not one of the King's messengers at the Marquis of Carmarthen's office bring you a letter ?

A. I do not recollect.

Q. Did you hear of it ?

A. No.

Q. Did you know that a note from the French Ambassador to me through your office reached the King ?

A. Not through my hands.

Q. Was not there a letter ?

A. I do not recollect.

The End of the Evidence for the Crown.

Lord

Lord GEORGE GORDON.

COUNT De Cagliostro requested me to go with him, knowing these proposals to be insidious, because we had news from the friends of liberty in France that he was exiled by order of the King, though the order of the King was done by the Queen's party. His exile was that—and a copy of this exile is sent to all the foreign ports: they look if they have an order of exile against such a person, and then they do not admit him.

They wanted to get him back into that country, for the purpose of imprisonment, because he was determined to stir up the disaffection of the French people to the French government, and to destroy the Bastile.

They were curious to find out the parties they were acting with, and his friends were as curious to find out the proceedings of the Queen's party against him, under the name of the King always; and they sent him word that his letter to return was only a private letter from Monsieur De Breteuil, the Minister, to be read to him, but not to be given to him; so that if he came into France, he could shew no counter order to the order of exile: and they cautioned him by no means to be entrapped insidiously to get into France again, but to wait till the order was counter-ordered by the King, the same authority that gave it.

Upon this he communicated it to me, and he and his wife desired me to be his friend in this country, and to protect them as much as lay in my power from attacks in this country, particularly from a French paper the *Courier de L'Europe*,

rope, printed by De Morand, under the daily inspection of the French Minister.

I took him in my coach. We had with us Mr. Frouville, an officer in the French service. He went with me. He desired me to state the case plainly to the English nation, to clear up the insidious attack that followed him, and damaged him in the prosecution he commenced for the recovery of his goods, his diamonds, jewels, and plate, and every thing that was seized and never returned to him; and that prosecution was going on in France at the time; and he thought he should be much prejudiced by the writings in this country under the direction of the French Ambassador.

I did not put Dazimer meaning to avoid any imputation against Count D'Adhemar; I certainly did mean the person who is here under the name of Count D'Adhemar, when I said Dazimer. The French party desired he might be always called Dazimer. The Dazimer family is not like the D'Adhemar family; but he is a clever man, like our Jenkinson, a good education, a clever penetrating man, and a man of address, which always noble families have not.

This person, whose name is Dazimer, got married to one of the first families in France; his name was changed then to D'Adhemar, which is one of the first families in France; but this has not hurt the old nobility of France.

S U M M I N G U P.

C O U R T.

Gentlemen of the Jury,

THIS is an Information against the defendant for publishing two libels.—You have heard them read in evidence.

There are counts in the Information for both of them; first upon the written one, and then upon the printed one; in which there is a mistake in the name—it is written Cambise, and it is printed Cambire; but in both respects the Information agrees with the evidence—for it has stated the written libel as it is, and the printed libel as it is.

With respect to this libel coming from the defendant,

Henry Sampson Woodfall says he printed the papers by the direction of the defendant, and the papers which he produces, are the originals he received from the defendant; and besides that, he produced a note, which was written by the defendant, in which the defendant engaged to pay all the costs he might be put to in defending himself against any prosecution.

With respect to the other parts of the Information, the averments are very few in number.—The first is, that there was a peace subsisting between England and France.—That is a matter of public notoriety, and therefore no evidence was necessary of that.—It next states, that Count D'Adhemar was Ambassador from France.—The Information, in stating the libel, has the word Dazimer instead of D'Adhemar; and That the Information avers means

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Coun

Count D'Adhemar, who was the Ambassador here.—That indeed is admitted by the defendant, now—for he says he was the person whom he alluded to; and the language of the paper imports it, because it speaks of Mr. Barthelemy as the person conducting the affairs of France in the absence of Dazimer.

Then the only thing remaining is, that Mr. Barthelemy was the Chargé des Affaires.—That fact is proved by Mr. Fraser, who says he was introduced as such by Count D'Adhemar, and afterwards did business in their office as such.

There is no other inuendo in the Information, but respecting the names.—If you are satisfied of the guilt of the defendant, you will find him guilty;—if not, you will acquit him.

The Jury immediately pronounced the defendant GUILTY.

Note. The three Informations were tried by a special jury of Merchants of the City of London.